

**THE ROLE OF SUPERVISORY FUNCTION IN HANDLING POLICE
MALADMINISTRATION WITHIN REPUBLIC OF INDONESIA
OMBUDSMAN**

(Case study in Republic of Indonesia Ombudsman office in Surabaya City)

UNDERGRADUATE THESIS

**In fulfilment of requirement for bachelor degree of Public Administration
Faculty of Administrative Science, Brawijaya University**

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MOTTO

There's always gonna be another mountain

I'm always gonna wanna make it move

Always gonna be an uphill battle

Sometimes I'm gonna have to lose

Ain't about how fast I get there

Ain't about what's waiting on the other side

It's the climb

-Hannah Montana-



UNDERGRADUATED THESIS APPROVAL

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(Case study in Republic of Indonesia Ombudsman office in
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DECLARATION OF ORIGINALITY UNDERGRADUATE THESIS

I declare with truth along of all my knowledge, in this undergraduate thesis which titled **“The Role of Supervisory Function In Handling Police Maladministration Within Republic of Indonesia Ombudsman (Case study in Republic of Indonesia Ombudsman office in Surabaya City)”** there is no scientific papers that have been asked by others to get the work or opinion which ever written or published by others, except for the written quotes in this script, it referred and mentioned in the source of references.

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Summary

This study discusses the role of supervisory function in handling police maladministration within Republic Of Indonesia Ombudsman, especially at the Republic of Indonesia Ombudsman office in Surabaya City. Through the research that has been done, the role of supervisory function in handling police maladministration within Republic Of Indonesia Ombudsman in East Java representative is done by completing Report on alleged maladministration and prevention of maladministration in the police. This study also discusses the obstacles faced by the Republic of Indonesia Ombudsman when performing the role of supervision, the obstacles comes from the internal and external Republic of Indonesia Ombudsman.

This type of research used case study method with qualitative approach. The case study method is a research method to describe and understand the object studied specifically as a case. Qualitative research is research that intends to understand the existing phenomenon. With this type of qualitative research case study, the researcher be able explain the role of supervisory function in handling police maladministration within Republic Of Indonesia Ombudsman, especially at the representative office in East Java located in Surabaya City. And able to describe the obstacles faced by the Republic of Indonesia Ombudsman, both from internal and external.

The result of this research is to explain the role of supervisory function in handling police maladministration within Republic Of Indonesia Ombudsman, especially at the representative office in East Java located in Surabaya City and the obstacles faced in carry out the supervisory function. And also provide suggestion to the Republic of Indonesia Ombudsman, especially in the city of Surabaya based on the obstacles.

Keyword : Supervision, maladministration, Republic of Indonesia Ombudsman.

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Ringkasan

Penelitian ini membahas tentang peran fungsi pengawasan Ombudsman Republik Indonesia dalam menangani maladministrasi pada kepolisian, khususnya pada kantor Ombudsman Republik Indonesia Perwakilan Jawa Timur di kota Surabaya. Melalui penelitian yang telah dilakukan, peran fungsi pengawasan Ombudsman Republik Indonesia dalam menangani maladministrasi pada Kepolisian di Jawa Timur dilakukan dengan cara menyelesaikan Laporan tentang dugaan maladministrasi dan pencegahan maladministrasi di kepolisian. Penelitian ini juga membahas kendala yang dihadapi oleh Ombudsman Republik Indonesia ketika menjalankan peran pengawasan, kendala tersebut berasal dari internal dan eksternal Ombudsman Republik Indonesia.

Jenis penelitian ini menggunakan metode studi kasus dengan pendekatan kualitatif. Metode studi kasus adalah metode penelitian untuk menjelaskan dan memahami obyek yang diteliti secara khusus sebagai suatu kasus. Penelitian kualitatif adalah penelitian yang bermaksud untuk memahami fenomena yang ada. Dengan jenis penelitian kualitatif studi kasus ini, peneliti akan mampu menjelaskan peran fungsi pengawasan Ombudsman Republik Indonesia dalam menangani maladministrasi pada kepolisian, khususnya pada kantor perwakilan Ombudsman Republik Indonesia di Jawa Timur yang berada di Kota Surabaya. Serta mampu mendeskripsikan kendala-kendala yang dihadapi oleh Ombudsman Republik Indonesia, baik yang berasal dari dalam maupun luar.

Hasil dari penelitian ini adalah menjelaskan peran fungsi Ombudsman Republik Indonesia dalam menangani maladministrasi pada kepolisian, khususnya pada kantor perwakilan Ombudsman Republik Indonesia di Jawa Timur yang berada di Kota Surabaya dan juga hambatan-hambatan yang dihadapi dalam menjalankan fungsi pengawasan. Dan juga memberikan saran kepada Ombudsman Republik Indonesia khususnya di kota Surabaya berdasarkan kendala yang dihadapi.

Kata Kunci : Pengawasan, maladministrasi, Ombudsman Republik Indonesia.

PREFACE

Praise and Gratitude to Allah SWT, researcher pray toward for blessings, because of the grace and guidance from Allah SWT researcher can be accomplished this undergraduate thesis which titled “The Role of Supervisory Function in Handling Police Maladministration Within Republic of Indonesia Ombudsman (case study in Republic of Indonesia office in Surabaya City)” with convenience and well.

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Malang, July 23th 2018

Researcher

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CHAPTER I

INTRODUCTION

A. Background

Indonesia has an area about 1,904,569 km² which makes Indonesia the largest country in Southeast Asia. From the Sabang City which is often referred to as the westernmost point of Indonesia until Merauke District which is at the easternmost point, Indonesia is divided into 34 provinces. One of the provinces that be the capital city is *Daerah Khusus Istimewa Jakarta* and also became the centre of Indonesian government. By having a centralization government in Jakarta, it would be very ineffective because it is difficult to touch all areas. So decentralization system becomes the solution of the problem. Decentralization is connecting between government affairs by the central government and the autonomous regions based on the autonomy principle. So it can handover of central affairs to the regions and create a good government.

According to Act No. 23 year 2014 about local government, Regional Autonomy is the right, authority and obligation of the autonomous regions to regulate and manage their own Government Affairs and the interests of local society in the Republic of Indonesia's system. With this rights and powers, local governments can manage their own territory to increase the local potential of the region. And also the government can meet the needs of society so that people can live with prosperous.

One of the society's needs is the need of public services organized by the government. The government is required to provide a good public service which must meet the needs of the society, so it can create satisfaction for the society. Satisfaction over public services must be felt by all society because every society has the right to get a good public service. According to Syvertsen (1999, p. 6) public service is:

“Public service in the sense of a public utility, i.e., a technical-economic interpretation of the term that refers to the kind of services governments commonly provide – postal service, roads, railroads, etc. – where the prime criteria of success are signal quality, efficiency of operations and a distribution network that provides universal access.” (Syvertsen, 1999)

Based on the understanding by Syvertsen, public service is any service from government that is dedicated to fulfil the needs of society. Public services are considered successful if the quality, efficiency programs, and the distribution of service that can be used for public. But in practice, public services in Indonesia still have many shortcomings. In some places public services are still often found discrimination in providing services, length of service process, and mismanagement. So that not all people get good public services in accordance with the purpose of act which have been made. Non-compliance with the behaviour of government apparatuses with the law is called maladministration on public services.

According to Sykes (in Sampara, 2014, pp. 116-117) maladministration are bias, neglect, delay inattention, incompetence, ineptitude, perversity, turpitude, and arbitrariness. And the most common maladministration in the public service in Indonesia is a protracted delay, abuse of authority, breach of procedure, neglect of

legal obligations, not transparent, negligence, discrimination, unprofessional, unclear information, arbitrary action, legal uncertainty, and mismanagement.

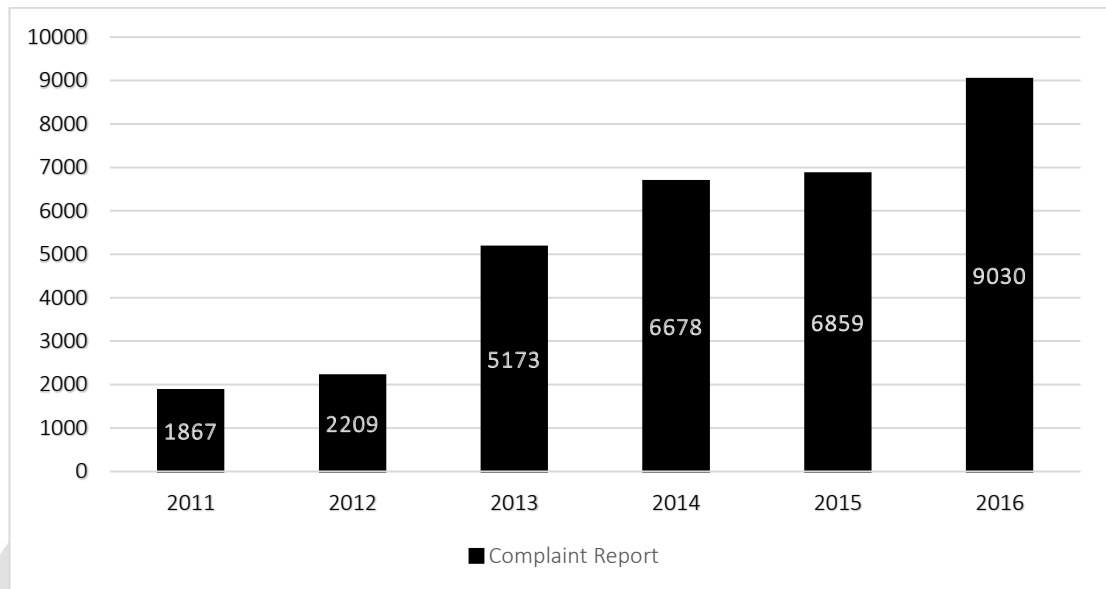


Figure 1.1: Number of Annual Reports In the Republic of Indonesia Ombudsman
Source: www.ombudsman.go.id

Based on data released by Republic of Indonesia Ombudsman, in 2016 Republic of Indonesia Ombudsman received reports of alleged maladministration from the society about 9,030 reports. While in 2015 is about 6895. So from 2015 until 2016 there is increasing of the report. From that data can be concluded if the maladministration is still a lot happening in the public service in Indonesia.

One of the agencies that provide public services in Indonesia is Republic of Indonesia Police. According to article 4 of Act no. 2 year 2002 about Indonesian Nation Police stated that Police is an institution that implements the task of realizing internal security, covering the maintenance of security and public order, orderliness and enforcement of the law, implementation of protection, guidance and service to

the community, as well as the establishment of the people's peace by upholding human rights.

The function of the police in society are to protect society, to uphold the law, to have special responsibility to maintain public order and deal with crimes. Dealing with crimes can be in the form of acts against crime and a crime prevention. So that people can live and work in a safe and secure. Police is a reflection of the demands and expectations of society for the sense of security, order and peace. It cannot be refuted anymore, that the existence of police in the society is very important.

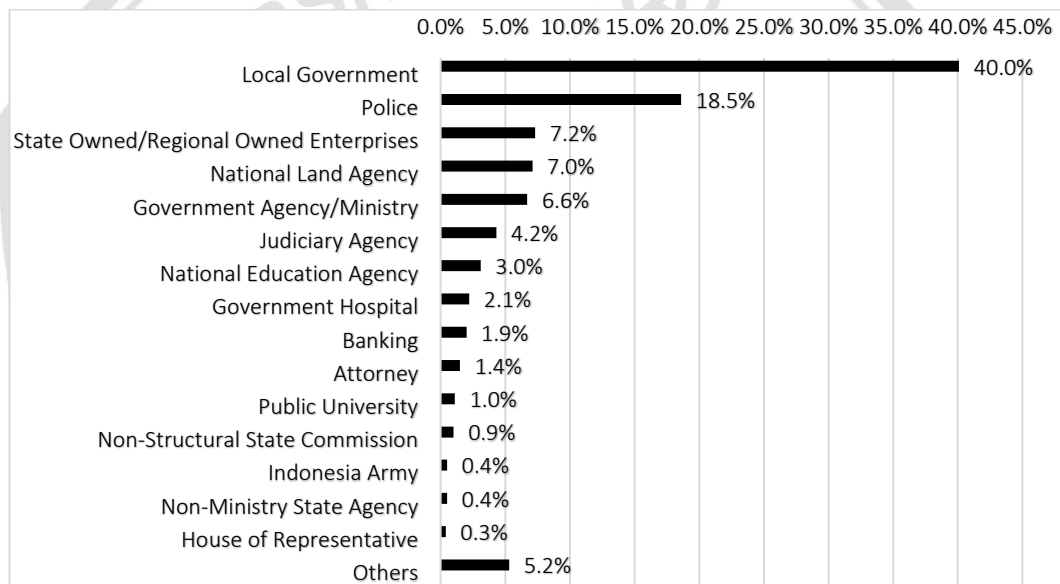


Figure 1.2: Group of Reported Agencies in Republic of Indonesia Ombudsman In 2016

Source: www.ombudsman.go.id

However, based on data released by Republic of Indonesia Ombudsman in 2016 which present in figure 1.2, the police occupy the second position for being reported party in alleged maladministration report. With the important task in the society but many maladministration happened, the police cannot do their job

correctly. So to create a good public service required a supervisory body that serves to supervise the performance of employees.

In every government agency, of course, there is internal supervisors. The internal supervisor has the duty to conduct an independent assessment of the performance about government agency's duties and functions. But because still a lot of maladministration that occurred, they need external supervisor. One of external supervisor in public service is Republic of Indonesia Ombudsman.

Republic of Indonesia Ombudsman was formed in the period of government by K.H. Abdurrahman Wahid. Republic of Indonesia Ombudsman, formerly known as *Komisi Ombudsman Nasional*, Republic of Indonesia Ombudsman is an independent institution state-owned which is not bound by the other party. So that when carrying out their duties, there is no interference from other parties.

Based on Act no. 37 year 2008 about Republic of Indonesia Ombudsman Article 4, the purpose of the establishing Ombudsman is to realize a democratic state of law, equitable, and prosperous. Also to encourage the implementation of government that is effective, efficient, honest, open, and clean of corruption, collusion and nepotism. The supervisory function of Republic of Indonesia Ombudsman can to improve the quality of public service. And also it can to create and improve efforts for the eradication and prevention of maladministration practices, as well as to enhance national legal culture, legal awareness of the society, and the supremacy of the law of truth and justice

Republic of Indonesia Ombudsman has an authority to supervise the implementation of public service organized by government, including those held

by the State-Owned Enterprises, Local-Owned Enterprises and State-Owned Legal Entity as well as private or individuals who were given the task of organizing a particular public service that part or all of the funds are sourced from the revenue and expenditure budget. Because Ombudsman is an institution that can reduce maladministration on public service providers, the role of Ombudsman in Indonesia is very important. According to Raharjo in (Asmara, 2005, p. 11):

“In view of the importance of established Ombudsman institution in Indonesia as a tool of public control of the government relate to the possibility of the government to do as a consequence of the application of the idea of the State Welfare State which presents an enormous opportunity for the government to intervene in the affairs of the community with the argument for the realization of social welfare.” (Asmara, 2005)

Therefore, for the implementation of sound governance, the government apparatus do not allowed to seek for themselves by impersonating the interests of the society need.

Some previous researchers have done research about *Ombudsman Republik Indonesia* as an external supervision agency. As the first, the research by Nurhayati entitled “*Peran Lembaga Ombudsman Republik Indonesia Perwakilan Provinsi Jawa Tengah Dalam Upaya Pencegahan Terjadinya Maladministrasi*” or the role of republic of indonesia ombudsman office representative of central java province in preventing the occurrence of maladministration. The findings of the research are the Republic of Indonesia Ombudsman to prevent with do socialization and barriers in prevention can be seen in terms of regulations, human resources, budget and infrastructure.

The second is research by Heru Prasetyo with the title “*Peran Ombudsman Republik Indonesia Perwakilan Propinsi Jawa Timur Dalam Penyelesaian*

Laporan Atas Dugaan Mal-Administrasi Penyelenggara Pelayanan Publik. (Studi Kasus Di Wilayah Kerja Kota Surabaya)” or the role of republic of indonesia ombudsman in east java provincial representative in progress the reports of alleged maladministration of the public service operator (case study in work area of Surabaya City). The findings of the research are 1) the admissions process is handled by the assistant but the reception field can be handled by the general aides while not violating the ombudsman's assistant's authority. While the length of time received until registration report approximately 14 days, but the field is held 3-5 days, 2) the examination of report has been executed appropriately, it is based on the time limit of substantial examination until completion of report done approximately one month has been completed, 3) the follow-up of the report is done by direct call to clarification to all parties, and the follow-up results are recommendations or by mediation, 4) the submission of recommendations can be made by the reporter on terms of mutual agreement and the announcement of findings, conclusions, and recommendations shall be submitted through mass media.

The third is research by Wanda Pusthika Ayu with the title “*Pengawasan Ombudsman Republik Indonesia Perwakilan Provinsi Jawa Timur Terhadap Penyelenggaraan Pelayanan Publik Dan Tanggapan Stakeholders*” or supervision republic of indonesia ombudsman representative of east java province on public service delivery and stakeholders response. The findings of the research is in conducting supervision process of Republic of Indonesia Ombudsman Representative in East Java has been good and in accordance with applicability of prevailing law. However, there are differences in authority and duties related to the

provision of recommendations and actions of systematic review, in which the representative Ombudsman is only authorized to make recommendations for proposals and temporary inspectors who are entitled to provide recommendations and authority in the systemic review is the central Ombudsman.

Based on explanation above about maladministration in police, the importance of police function in the society, and supervisory role of Republic of Indonesia Ombudsman, the researcher is interested to do research more deeply about that topic. So the researcher is interested to conduct a research about the role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman (case study in Republic of Indonesia Ombudsman office in Surabaya City).

B. Research Question

This research proposes two research question, like follows:

1. What is the roles of Republic of Indonesia Ombudsman in supervising police maladministration at East Java Province?
2. What are the obstacles faced by Republic of Indonesia Ombudsman in carry out the supervisory role?

C. Research Objectives

Based on the research problem statement, the objectives of this research as follows:

1. To explain and analyse the roles of Republic of Indonesia Ombudsman in supervising police maladministration at East Java Province.
2. To describe the obstacles faced by Republic of Indonesia Ombudsman in carry out the supervisory role.

D. Research Contributions

1) For students and public

The results of this study are expected to provide information about the role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman. In addition, it is expected that this research can be used as reference material for future research with similar titles and topics. And also increase knowledge for researchers and the public in general.

2) For the Agency

Practically, this research is expected to provide feedback or new ideas for the Republic of Indonesia Ombudsman.

E. Outline Undergraduate Thesis

CHAPTER I INTRODUCTION

This chapter present an introduction to a research paper that contains background, problem statement, research objectives, research contributions, and systematics of research writing.

CHAPTER II: LITERATURE REVIEW

Chapter 2 present about literature review which are theories used by researchers in conducting research. The theories used in this research are sound governance, supervision, maladministration in public service, and Republic of Indonesia Ombudsman.

CHAPTER III RESEARCH METHOD

The chapter III present the research method consists of research methods used by researchers in conducting research consisting of the researcher's area of interest, research focus, research methodology framework which contains research philosophy, research approach, methodological choice, research method, time horizon, techniques and procedures who explain about data source and data collection technique, data validity, analysis technique.

CHAPTER IV: RESULTS AND DISCUSSIONS

In the chapter IV describes the research result which is about general description of research location, the role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman, and the obstacles and also the discussion.

CHAPTER V: CONCLUSION AND SUGGESTION

This chapter is the last chapter, which contains the conclusions of the main findings of research in accordance with research objectives and suggestions related to the results of research which can then be used as a recommendation in further research.

CHAPTER II

LITERATURE REVIEW

A. Sound Governance

1) The Concept of Sound Governance

Sound Governance born because of criticism to good governance so as to make sound governance as an innovation in public administration. Many critics are accepted by good governance. The word "good" becomes something hegemonic and uniform. The process of uniformity of something called "good" is also done not infrequently by force. One criticism come from Ali Farazmand. According to Fadillah Putra (2009, p. 2) , the sense of governance itself is a process of interaction of the three actors namely the state, society and private sector primarily in managing sectors that become public rights or public patrimony.

From criticisms of good governance, Ali Farazmand provides solutions through sound governance theory. According Farazmand (in Domai, 2011, p. 9) Sound Governance consists of several components or dimensions that interact with each other to form a unique unity through diversity, complexity, intensity, and external challenges and opportunities.

Meanwhile, according to Putra (2009, p. 4) Sound governance is:

“Restructuring patterns of government, private and domestic relationships irrespective of the role of international actors is a denial of global reality. The impact of this denial is the number of variables, which are actually very important, do not get into the count. The absent variables are local wisdom as a result of Western 'good' hegemony and the impact of international co-opting forces. This empty space is trying to be filled by a new paradigm called Sound Governance.” (Putra, 2009)

Based on the description, sound governance requires the incorporation of local wisdom variables into the governance process. Because in the theory of good governance brought from the western existing local wisdom become neglected. And nowadays everyone release that local wisdom is important to be kept.

In addition, according to Farazmand (2004, p. 11) the Sound Governance concept is used to describe a system of government that is not only democratically and financially, constitutional, organizational, administrative, managerial and ethical politically, but also internationally clear in its interaction with other countries and with the part of government in an independent and independent way. The concept of sound governance is an alternative to good governance for several reasons. There are five important concepts in sound governance. The first reason for being more comprehensive than any other concept has ever been discussed, and includes an important global or international element of government. Second, it also includes both normative and technical and rational features of good governance. However, this results in a balanced view of less skewed governance, and considers the pure features of an indigenous governance system that may be in conflict with the dominant neo-colonialist power structure. In other words, a government or governance can be said to be clear even if the system is in conflict with imperialist interests and its interventionist policies.

Third, the concept of sound governance has all the characteristics of governance quality that are superior to good governance and healthy in technical, professional, organizational, management, political, democratic, and economic. It also includes in terms of anticipatory capacities and behaviours, such as democratic

in character, responsiveness, and competence and cultural values embedded in community values and structures. Fourthly, the concept of sound governance conforms to constitutional values and is responsive to international norms, rules and regimes. As has been defined by experts, good governance often ignores important constitutional features that limit sovereign states and governments. Fifth, the concept of sound governance has the origin of the first world empire of Persia with a highly efficient and effective administrative system. At that time the Persian Empire needed to strengthen its governance and administration system with clear economic, managerial and organizational policies that were not only efficient in dealing with wide-ranging royal affairs but also effective in political control and anticipatory response to unexpected crises and emergencies. The strategic management and contingency governance structure has been well-organized to take care of and handle the kingdom of the world-state so great that it covers the whole ancient world. While the old concept of sound government is not a democratic sound compared to contemporary standards, its use through structural reforms in finance, management, communications, law and local government based on the principle of tolerance is a new idea.

2) The Dimension of Sound Governance

Dimensions of sound governance can also be called as an indicator of the size in implementing sound governance. According to Farazmand (2004, pp. 13-16) there are ten dimensions in sound governance. The ten dimensions explained as follows:

1. Process. Sound governance involves a process of governing with the interaction of all elements or stakeholders involved. And also sound governance is not just about internal and external processes, it also has a structure.
2. Structure. Structure is a body of constitutive elements, actors, rules, regulations, procedures, decision-making frameworks, and authoritative sources that sanctions or legitimates the governance process. If process explains how governance works, whereas structure defines and gives directions to the process.
3. Cognition and values. The cognitive or value dimension represents the unique or deviant value system of the governance structure or process. Sound governance breeds healthy and dynamic values that underlie its structure and process dimensions. Normative values of fairness, equity, integrity, representation, responsiveness, responsibility, tolerance, and equality before law for all citizens regardless of colour, race, ethnicity, gender, and age form the sticking glue of a sound governance system, keeping all other dimensions together in a solid way. Sound governance takes all these factors into consideration and tends to maintain a dynamic balance of interests and outcome potentials that serve both the common national interests and integrity of the governance system itself.
4. Constitution. The constitution is the fundamental guiding document that serves as a blueprint of governance. A constitution serves as the most important source of legitimation for governance systems. Working

constitution also contributes to the soundness of governance at the national level.

5. Organization and institution. Institutions without sound organizations cannot survive but organizations without institutions are also fragile and have low chance of survival. Their legitimacy is dependent on institutionalization which gives them a cognitive recognition, a normative feature that feeds to the soundness of governance system. Thus, both institutional and organizational dimensions serve as integral components or properties of sound governance.
6. Management and performance. The managerial and performance dimensions of sound governance are directly related. They are integral parts of the whole system but mere performance is not sufficient. It must produce desired and intended outcomes and outcomes that translate into institutional and system legitimacy. Without a sound management system characterized by efficiency and effectiveness, sound governance will suffer from incompetence, poor performance, waste and duplication, bureau-pathologies, and lack of legitimacy.
7. Policy. The policy dimension of sound governance which gives the elements or dimensions of process, structure, and management sound guidance, direction, and steering. There are two types of policy are in order in sound governance, the first is external to individual organizations of governance and it comes from the legislative and political or judicial authorities representing the will of the people. This kind of policy guides and gives

directions to governance institutions and organizations to achieve desired goals and objectives. The second type of policy is internal to the individual organizations and institutions of governance. It is organizational policy, a guidance set of steering roles that define and determine the rules, regulations, procedures, and values that are used to manage organizational performance toward desired mission and goals of sound governance. The more the citizenry participate in making these policies, the more credibility and legitimacy they award to the public management and governance systems. Thus, participation is a major dimension of sound governance and sound governance not only involves citizen participation, it encourages and promotes it.

8. Sector. Sectoral dimensions of governance are important as they are focused on specific sectors such as industrial, agricultural, rural, urban, scientific, research and development, education, health, transportation, and other areas. Sound sectoral governance requires direct participation of citizens, able management, and knowledge and skills in performance of public organizations. But intersectoral and interorganizational coordination, cooperation, and sharing of knowledge and information are essential ingredients of sound governance.
9. International or globalization forces. Today, in the age of accelerated globalization and global interdependence, nation-states, governments, and citizens are increasingly drawn into a growing set of regimes that either show intolerance toward certain governance behaviours that were formerly

and traditionally considered normal and internal to sovereign governments, or demand implementation of various rules, regulations, and protocols agreed upon collectively at regional or global levels. Self-determination is an inalienable right of indigenous peoples and democratic sound governance is possible with ceaseless struggle and participation of the people in the political and governance scenes, and only participatory governance and administration can assure soundness of the system.

10. Ethics, accountability, and transparency. A key feature of sound governance is its principled foundation on ethical values, accountability requirements, and transparency structures and values. This cardinal principle of sound governance checks against the potential abuses and corruptions of the system as well as against the blind principles of pure efficiency and economy in the management and administration processes.

B. Supervision

1) The Meaning of Supervision

Supervision is one of the activities in management. Control is an important element of monitoring. All supervisors perform a supervisory function in which control is one of the supervisory functions. According to George R Terry (in Tripathi and Reddy, 2008, p. 2) the term supervision is determining what has been achieved, evaluating and implementing corrective action, if necessary to ensure it is in accordance with the plan. Meanwhile, according Siagian (2003, p. 112) supervision is all activities to ensure that the task or work has been done in

accordance with the plans that have been set. Supervision is a step as well as one of the important organic management functions is said so because through supervision examined whether the things listed in implementing well or not.

According to Sumarsono (2010, p. 245), the notion of supervision is all activities and actions to ensure that the operation of an activity does not deviate from the objectives and plans outlined. Supervision over the implementation of local government is a process of activities aimed at ensuring that local governments run efficiently and effectively in accordance with the plans and provisions of legislation. According to Downe & Martin in (Hämberg, 2001, p. 45):

“While auditing emphasizes financial control, supervision primarily focuses on checking staff competence, the quality of an operation, and the results for clients. Other characteristic of supervision is that on site-visits have a central function as means for collecting data, but also as an arena for negotiation and persuasion between inspectors and those being inspected” (Hämberg, 2001)

From the definition of supervision that has been described, it can be concluded if supervision is an activity that ensures and ensures a task is done in accordance with the plan or rules that have been made before and evaluate the activities are done well or not. Supervision focuses on examining employee competence, operational quality and outcomes of the service.

2) The Function of Supervision

Function can be interpreted as a purpose to do something or someone task besides that function also can mean a way of work or way of operation something. One of the experts who delivered about the supervisory function is Kadushin and

Harkness. According to Kadushin and Harkness (2002, pp. 19-20) the first function is administrative supervision. Supervisors are links in the administrative chain between administrators who make direct contact with workers. Even in a tumultuous environment, the boss is responsible for managing agency and managerial functions assigned to him. These functions are at the core of administrative oversight.

The second is education supervision. Educational control is concerned with teaching the knowledge, skills, and attitudes required for the performance of clinical social work tasks through detailed analysis of the interaction of workers with clients. In the general literature on surveillance, this function is more often identified as clinical monitoring. The third is supportive supervision. Supervisor acts as an adjustment counsellor in carrying out supervisory support. The supervisor is responsible for assisting the supervised person to adapt to work-related stress. The main objective of this oversight component is similar to the purpose of administrative and educational oversight that is to enable workers, and agents through workers, to offer the most effective and efficient services to clients.

In addition, Hawkins and Shohet also convey the function of supervision. 3 main function of supervisory function. According to Hawkins and Shohet (2006, p. 57) the first development function. Development function is developing skills, comprehension and supervision ability. This is done through reflection, and exploration, the work of people being supervised with their clients. Second is the resourcing function. Resourcing function is a way of responding to how every worker involved in personal work with clients certainly let themselves be affected

by the pressure, pain and fragmentation of clients, and how they need time to realize how this has affected them and to face any reaction. Third is qualitative aspect. Qualitative aspects of supervision provide quality control functions in working with people. In many ways, the boss is responsible for the welfare of the client and how the supervised person works with them. Supervisors may be responsible for upholding the standards of the agency where the work is performed.

From the explanation by some experts, the supervision has several main functions that is to develop and direct a person. So that his work performance can reach the working standards of the organization he works. And to support the person's performance so that it is not depressed because of the job.

3) The Model of Supervision

Model is a framework or map that combines processes and functions. Monitoring models have been widely shared by many experts. One of them is Hawkins and Shohet. They presented the CLEAR (Contract, Listen, Explore, Action, Review) control model in the 1980s (2006, p. 61). The model is as follows:

- a. Contracts: Supervisor sessions begin by setting out the desired outcomes of clients, understanding what needs to be covered and how supervisors and monitoring processes can be invaluable. Also agree on basic rules or any basic role.
- b. Listen: By using active and catalytic hearing interventions, superiors help the hearing develop an understanding of the situation in which he wants to effect difference. Inspectors need to tell their detectives that they have understood and felt what it's like to be in their shoes. In addition, the boss can help detection to get to know themselves better, through reinvention and create new connections in what has been shared.
- c. Explore: By questioning, reflection and generation of new insights and conscious supervisors work with a companion to create different options for dealing with relationships or problems.

- d. Action: After exploring the various dynamics in this situation and developing options for dealing with them, the supervisor chooses the way forward and approves the first step. At this point it is important to do a 'quick exercise ahead', to enact a first step in the future living in that room.
- e. Review: Review the agreed action. Supervisors also encourage feedback from supervisors on what aids the monitoring process, what is difficult and what they want differently in future surveillance sessions. Agree on how the planned action will be reviewed at future supervisory sessions to complete the work. (Hawkins & Shohet, 2006, p. 61)

Meanwhile, the Cyclical supervisory model was also presented by Page and Wosket (2001, pp. 36-38). The cyclical model has five stages and each stage is divided into the next five stages. The stages are as follows:

a) Stage 1: Contract.

The supervised contractor performs a vital function in supporting the overall process and relationship. A contract is an agreement signed by both parties that contains, endorses, provides structure and provides direction and purpose for the work performed.

b) Stage 2: Focus.

The focus of the supervisory session is the subject or matter to be considered at the stage or stage of the supervisory process. The focus function is to ensure that supervision begins with a significant problem for companions and is relevant to the client's work. Focused as a process of developing supervisory responsibilities to take advantage of the best possible oversight opportunities. It encourages intentionality (direction and purpose) and reflection, and ensures that counterparts have prepared surveillance before the meeting.

c) Stage 3: Space.

Creating space is at the heart of the monitoring process. This is where counsellors are held, supported, challenged and affirmed in their work. Space is where movement and insight can occur as a result of exploration work performed by supervisors and supervisors. It is also a place where “uninformed” and confusion are accepted and tolerated with the belief that the time and attention given to the client and the supervisor is beneficial to the counselling business, even when convenient problem solving cannot be achieved.

d) Stage 4: Bridge.

The function of the bridge under supervision is to provide the way back to the work performed by supervision with the client. This is a process that, at best, ensures that learning and awareness of the controls are integrated and applied with care and sensitivity in counselling relationships. In the same way that supervision is requested to come to supervision with a focus on ensuring that supervisory work is relevant to the client's work, so counsellors are helped to escape from supervision with the recognition that the process will work. The difference, though the difference is only the awareness that nothing is necessary changed.

e) Step 5: Review.

A review in supervision may be an evaluation or assessment of a supervisory job. If so, it should not be the only one that is going on. Whether the supervisor has some formal assessment role to fulfil in relation to the development of supervision, there should also be ongoing joint feedback. Building reviews as

an integral part of the oversight process ensures that both partners are actively contemplating and monitoring the standards and quality of their own professional practices and their respective endeavours.

The above explanation of the model used in the supervision can be concluded if the first process of supervision is to make the contract of work between the supervisor and the supervised person. Then the supervisor will oversee the performance of the work. The last supervisor will give feedback on the work performance of that person.

C. Maladministration In Public Administration

1) The Meaning of Maladministration In Public Administration

The word maladministration can be defined as bad administration or bad governance. In general maladministration can be interpreted as a behaviour or act against the law and ethics in an administrative process in the public service. Maladministration may be an act, an attitude or a procedure and not limited to administrative or administrative matters only. The word 'maladministration' is used and defined in the Protected Disclosures Act 1994, which provides that for purposes of the Act are:

“... behavior is a kind of maladministration that should involve acts or actions that are serious: (a) contrary to law, or (b) unreasonable, unjust, oppressive or incorrectly discriminatory, or (c) entirely or partly based on an incorrect motive.” (Ombudsman New South Wales, 2012)

Maladministration can also be defined as activities that result in non-compliance with regulations and administrative requirements. For example, this might include:

1. Bias;
 2. Ignoring;
 3. Inability;
 4. Roughness;
 5. Refusal to answer a reasonable question;
 6. Knowing misleading or inadequate suggestions;
 7. Failure to monitor compliance with adequate procedures;
 8. Ignore the guidelines to be followed according to interest. fair treatment.
- (University of Leeds, 2012)

And according to Act no. 37 year 2008 about Republic of Indonesia Ombudsman Article 1 point 3 say:

“Maladministration is a behaviour or act against the law, transcending authority, using authority for other purposes of that authority, including negligence or neglect of legal obligations in the delivery of public services performed by the State Organizer and government, including individuals who assist the government to provide public services causing material and / or immaterial damage to society and individuals.”

It can be said also, maladministration is abuse of authority and positions held by employees in providing public services. Employees who do abuse that position can be like doing anything illegal and unfair. Where the impact is material or immaterial losses to society. So there will be bad governance.

2) The Types of Maladministration

Republic of Indonesia Ombudsman grouping types of maladministration into 10 types. The types of maladministration are as follows:

1. protracted delays

In the process of public service delivery to the public, a public official repeatedly postponed or stalled for irreconcilable reasons so that the administrative process being worked out was not timely as prescribed (inappropriately) and resulted in the public service being non-existent certainty. The examples is protracted delays on process improvement Supreme Court of Cassation Decision No. XXXXK / PDT / 2008 which has been taking 22 months (almost 2 years) since disconnected.

2. Do not provide service

A public official does not take any action that should be done (obligatory) in order to provide public services to the public. The case example is absence of clarity of treatment rates for patient users of asks in a hospital. The complainant as the Askes user wishes to impose the payment of medical expenses for Askes users there are clear procedures and conditions because for what is charged if it is given a dispensation.

3. Incompetent

In the process of public service delivery, a public official is incapable or incapable of deciding anything so that the services provided to the community are inadequate or not good enough. The case example is Negligence in Submission of Custody Decisions by the Supreme Court of the Republic of Indonesia Ombudsman which was Submitted on 12 August 2008 to District Court X.

4. Abuse of authority

A public official uses his or her authority (right and power to act) for improper purposes so as to make public services rendered inappropriate. The example is case in 2009 which demand for Money Rewards that are not in accordance with the provisions in the issuance of the Extension of Trading Business License (SIUP).

5. Demand for rewards

In the process of public service delivery to the public, a public official asks for money and so on for work that he should have done for free because it is his responsibility. A public official embezzles state money, corporations, and so on for the benefit of private or others so as to cause public services can not be given to society as well. The case example is corruption about identity care in Indonesia.

6. Deviation procedure

In the process of public service delivery, a public official does not comply with specified and appropriate stages of activity. The example is case at 2010 about rejection of the Trademark Director of the Ministry of Justice and Human Rights concerning Trademark Application Named X.

7. Acting inappropriately

In the process of public service delivery, a public official does something that is unnatural, inappropriate, and inappropriate so that the public does not get the service properly. The case example is report on unclear drawing of medicines for patient maternity in RSUD X.

8. Take sides

In the process of public service delivery, a public official acts biased and prioritizes one party regardless of the prevailing provisions so that decisions are taken to the detriment of the other.

9. Conflict of interest

A conflict of interest is a condition when a person in a position of high trust has a professional and personal interest in contact. This intersection of interest may make it difficult for the person to perform his duties. A conflict of interest can arise even if it does not lead to unethical or inappropriate.

10. Discrimination

In the process of public service delivery, a public official takes action in favour of, exceeding or subtracting from a reasonable one, so that the public obtains the service inappropriately. The case example is discrimination in the submission of lecturers name proposed lecturer of health polytechnic of Ministry of Health province x.

3) The Causes of Maladministration

According to Wheare (1973, pp. 14-16) there are three causes of maladministration, the first, maladministration arises from the procurement of goods because it wants to serve the community fairly so it requires a long procedure. From the length of procedure required to obtain the goods, resulting in delays or delays. So that opens opportunities for maladministration. The second is the quality of employees. If the quality of the employee is low, it can cause some errors in the

performance of the work. So paying attention to the quality of employees is very important. The third is Complications and difficulties of some subjects that should be handled by officials in implementing the rules. For example in the administration of social services, there are also a large number of unavoidable complications in regulations that are very difficult to understand by the average official, let alone explain them to the townspeople.

Bowden (in Wahyudi, Malek, & Aziz, 2015, p. 58) collected research data by asking 72 employees in Nigeria to write down the main contributing factors to their bureaucratic maladministration behaviour while working in government institutions. The results showed that there are six factors causing maladministration of bureaucracy in the country that is corruption behaviour and low integrity value, conflict in society, interethnic conflict, no discipline and bad relationship between employees.

Meanwhile, according to Cope (in Wahyudi, Malek, & Aziz, 2015, p. 58) the several factors as the cause of bureaucratic maladministration of corruption and low integrity, internal bureaucracy conflicts, conflicts among ethnic groups, there is no discipline and bad relations between employees. According to Eklund & Wimelius (in Wahyudi, Malek, & Aziz, 2015, p. 59) bureaucracy maladministration due to unclear goals to be achieved, there are no indicators in measuring service performance, doing some work at once without adhering to the principle of excellence and not experimenting as an effort to improve the quality of service and not to leave the program in vain and does not benefit the employees or the public.

According to Wheare (1973, p. 12), the causes of maladministration are:

“The cause of maladministration sometimes is that it is a result of bad law or regulation, bad because it is ambiguous, vague, contradictory, obstructive, or bad because it contains the principles of discrimination, injustice, unfairness that must occur. Resulting in maladministration” (Wheare, 1973)

Maladministration that often occurs in public services is sometimes due to poor procedures. Bad procedures happen because the rules are too complicated that people are difficult to understand or rules that do not give justice to every community. And also it can happen because the relationship between employees is not good.

D. Republic of Indonesia Ombudsman

1) Republic of Indonesia Ombudsman

The Ombudsman Institute is an institution that originally came from Sweden, which has now grown in such a way that there has been a wide variety worldwide. Now there are 130 countries that have this institution. From the way of appointment, there is an Ombudsman appointed by the Head of State there are also appointed by the House of Representatives.

According to Sujata et al (2002, p. 3) the Ombudsman was formed in 2000. At that time, the condition of government is not stable. Under conditions of public pressure that require a change to a transparent, clean and corruption-free government, then the government was trying to make some changes according to the aspirations that developed in the middle of society. One of them is by establishing an supervision agency, named the *Komisi Ombudsman Nasional*.

The legal basis underlying the Ombudsman in Indonesia is the first MPR Decree No: VIII / MPR / 2001. In the 2001 Annual Session of the People's Consultative Assembly, MPR Decree No: VIII / MPR / 2001 on the Recommendation of the Direction of a Clean Country Policy and Free from Corruption of Collusion and Nepotism. In article 2, paragraph 6, it reads the Laws and their implementing regulations for the prevention of corruption whose contents include:

- a. Corruption Eradication Commission;
- b. Witness and Victim Protection;
- c. Organized Crime;
- d. Freedom of information;
- e. Government Ethics;
- f. Money Laundering Crime;
- g. Ombudsman.

Second is the Act No.25 year 2000 about the National Development Program (*Propenas*). In the annex of the National Development Program Year 2000-2004, Legal Development chapter III Legal Development, there are some basic arguments related to the need to establish the *Komisi Ombudsman Nasional*. Third is the Presidential Decree No.44 year 2000. Presidential Decree no. 44 year 2000 Concerning the *Komisi Ombudsman Nasional* is the legal basis for the operationalization of the Ombudsman in Indonesia. In this presidential decree many arrangements are still general.

Finally on October 7, 2008 the Act No. 37 Year 2008 was enacted on Republic of Indonesia Ombudsman. After the coming into effect of the Republic of Indonesia Ombudsman Act, the *Komisi Ombudsman Nasional* changed become Republic of Indonesia Ombudsman. The change of name implies that the

Ombudsman is no longer in the form of a temporary State Commission, but is a permanent state institution as well as other state institutions, and in carrying out its duties and authorities free from interference of other powers.

According to Act no. 37 year 2008 about Republic of Indonesia Ombudsman article 1 states that:

“Republic of Indonesia Ombudsman hereinafter referred to as Ombudsman is a state institution having the authority to oversee the implementation of public services both organized by state and government organizers including those held by State-Owned Enterprises, Regional Government Enterprises and State-Owned Legal Entities as well as private or private bodies who are given the task of organizing certain public services which part or all of their funds are sourced from the State Budget and / or Regional Revenue and Expenditure Budget,”

With the issuance of Act no. 37 year 2008 about Republic of Indonesia Ombudsman further clarify the functions and duties of the ombudsman agency in Indonesia, namely to supervising public services in Indonesia in order to create a good government. In Indonesia the central office Republic of Indonesia Ombudsman is located on Jl. HR. Rasuna said Kav. C-19, Kuningan, South Jakarta. It also has representative offices in every province in Indonesia like in Aceh, North Sumatera, Riau Islands, Riau, South Sumatera, Jambi, Bengkulu, Lampung, Bangka Belitung, Banten, West Java, *Daerah Istimewa Yogyakarta*, Central Java, and East Java.

2) The roles and responsibilities of Republic of Indonesia Ombudsman

Role cannot be separated from function and task of Republic of Indonesia Ombudsman in society. In the formation of this organization, Republic of Indonesia Ombudsman has a mission to achieve the vision of the organization, namely:

- a. Strengthening the Institutional.
- b. Improve the quality of Republic of Indonesia service.
- c. Increase Public Participation.
- d. Encouraging public service quality improvement by government organizers.
- e. Strengthening eradication and prevention of maladministration and corruption.

According to Act no. 37 year 2008 article 6, the functions of the Republic of Indonesia Ombudsman are:

"The Ombudsman serves to oversee the implementation of public services organized by the State Organizer and the government both at the central and in the region including those held by State-Owned Enterprises, Local Government Enterprises and State-Owned Legal Entities as well as private bodies or individuals assigned to carry out public services certain."

The article above can be concluded if the ombudsman function oversees the implementation of public services so as not to violate the rules that have been made. So that things do not happen that cause behaviours that can be categorized maladministration behaviour that will harm society. The Republic of Indonesia Ombudsman has a very important role in handling maladministration in public services.

From these functions, the Republic of Indonesia Ombudsman has a daily task. According to Article 7 of Act no. 37 year 2008, the ombudsman's duties are:

- 1) Receiving reports on alleged maladministration in the provision of public services;

- 2) Conduct a substantial examination of the report;
- 3) Following up on reports covered by the ombudsman's authority sphere;
- 4) Investigate on its own initiative against alleged maladministration in the provision of public services;
- 5) Coordinate and cooperate with state agencies or other government agencies as well as community and private institutions;
- 6) Establish networking;
- 7) To prevent maladministration in the implementation of public services;
- 8) Perform other duties granted by Act.

According to Nurtjahjo et al (2013, p. 22), the duties of the ombudsman are to serve, receive and follow up reports from the public in relation to complaints against public services by state organizers, coordinate and cooperate with state institutions, non-governmental organizations and community bodies in order to maximize functions, duties and authorities of the Ombudsman, the socialization of the Ombudsman, prepares the Regional Ombudsman network, organization and personnel, undertakes other tasks to achieve the objectives of Republic of Indonesia Ombudsman as well as to conduct investigations on its own initiative.

According to the Ombudsman Association, ombudsman has the following tasks:

- a. Ombudsmen offer their services for free, and are therefore accessible to persons unable to file their complaints through the courts.
- b. They are committed to achieving recovery for individuals, but also, where they identify systemic failures, to seek changes in the work of the body in their jurisdiction, individually or collectively.
- c. They can generally conduct a single inquiry into multiple complaints about the same topic, thus avoiding duplication and excessive costs.
- d. They are neutral arbitrators and not supporters or "champions of consumers".
- e. They usually ask the concerned body and the complainant to try to resolve the complaint before starting the investigation.
- f. They usually try to resolve disputes without using formal investigations if this is possible and desirable.
- g. Where they identify injustice, they seek to place this right.

From the functions and duties of Republic of Indonesia Ombudsman, Ombudsman also has extensive powers. Based on Article 8 of Act no. 37 year 2008, the authority are:

- 1) Requesting oral or written information from the complainant, the reporting party, and other relevant parties regarding reports submitted to the ombudsman;
- 2) Checking decisions, correspondence, or other documents available to the complainant or to report to obtain the truth of a report,
- 3) Request clarification or copy of documents required from any agency for inspection of reports from the reporting agency;
- 4) Making a call to the complainant, the reporter, and other parties related to the report;
- 5) Complete the report through mediation and conciliation at the request of the parties;
- 6) Making recommendations on the completion of the report, including recommendations to pay compensation or rehabilitation to the injured party;
- 7) In the public interest announcing the findings, conclusions, and recommendations.

In addition to these powers, Republic of Indonesia Ombudsman also has other powers to advise the president, regional head, or other state leaders. In order to improve the organization or procedures of public service. And also to give advice the House of Representatives, the Regional House of Representatives, the head of the regional order which against other laws and legislation shall be amended in order to prevent maladministration.

3) The Role of Supervisory function In Handling Police Maladministration within Republic of Indonesia Ombudsman.

Supervision is the main activity undertaken by the Republic of Indonesia Ombudsman. According to Terry (in Winardi, 2000, p. 395) definition of supervision is:

“Supervision can be interpreted as the determination process, what should be achieved is the standard, what is being done that is implementation, assess the implementation and if necessary make improvements, then its implementation in accordance with the plan in accordance with the standards. Determine what has been achieved, evaluate and implement corrective action, if necessary, make sure the results are in accordance with the plan.” (Winardi, 2000)

Supervision consists of certain fundamental actions for all managerial oversight, these main steps according to George Terry as follows:

- a. Determining Standards of Supervision
Standards of supervision consist of three aspects, there are predetermined plans, terms and policies applicable, the principle of efficiency and effectiveness in carrying out the work.
- b. Measuring Implementation Work
Assessment or measurement of work that has been done can be done through Reports (oral and written), diary about it, schedule chart or outcome chart, direct inspection or supervision, meeting or conference with related officers, surveys with technical tools.
- c. Comparing Supervision Standards with Work Implementation Results
- d. Corrective action.

Police is one of the agencies that provide services to the public. The Indonesian Police has the following missions:

- a) Implement early detection and early warning through investigation activities, safeguards and raising activities;
- b) Provide protection, protection and service in an easy, responsive and non-discriminatory manner;
- c) Maintaining the security, order and smoothness of traffic to ensure the safety and smooth flow of people and goods;
- d) Ensure successful overcoming of domestic security disturbances;
- e) Develop community policing based on law-abiding society;
- f) Uphold the law professionally, objectively, proportionally, transparently and accountably to ensure legal certainty and sense of justice;
- g) Manage professionally, transparently, accountably and modern all Police resources in order to support the operational task of the Police;
- h) Establish a synergy system of interdepartmental agencies and international institutions as well as community components in order to build partnerships and networks.

In order for the mission to be achieved, it takes surveillance from outside the agency. One of External supervision in Indonesia is done by Republic of Indonesia Ombudsman.

Hartono et al (2003, p. 72) said the Ombudsman conducts an analysis of society reports or problems that develop in the society using a systemic approach. Systemic approach is to see the implementation of government as a system to achieve a justice social state law, where the various elements interact and synergize, so there is no single element or factor that stands alone. The systemic approach is one of the strategies applied by Republic of Indonesia Ombudsman in carrying out its oversight work, especially for problems that can only be solved by making changes in the administrative system or the legal and judicial system. The supervision systematic of Republic of Indonesia Ombudsman, namely the acceptance and selection of community reports, clarification requests by ombudsmen, investigations, recommendations and monitoring.

In the first process of receiving and selecting reports from the community. The Ombudsman will select a report that the Ombudsman can follow up on, what types of reports and substance issues will be under the jurisdiction of the Ombudsman, and what reports cannot be acted upon by Republic of Indonesia Ombudsman. Then the second process is an investigation conducted by the Ombudsman. In the investigation, the ombudsman can conduct an investigation by the Ombudsman on his own initiative. Investigation of the Ombudsman's own initiative, both on individual and systemic cases. In addition there are interviews as part of the investigation. After conducting an investigation, Republic of Indonesia

Ombudsman prepared an investigative report. With the preparation of the investigative report, the Republic of Indonesia Ombudsman analyses the cases and findings of the investigation. So that can be found the conclusion of the investigation and proceed at a later stage. The end result of the analysis is a recommendation. Recommendations are a product of Republic of Indonesia Ombudsman which has a strong legal umbrella. Based on Article 38 paragraph 1 of Act no. 37 year 2008 reported party and the superiors are obliged to implement the recommendations suggested by the ombudsman. And the last step is monitoring. The process of monitoring that should be undertaken to follow up the recommendations of the Ombudsman, including how to provide understanding to the Reported Party to follow up on the recommendations of the Ombudsman, to when a recommendation needs to be improved.

In addition to the completion of reports from the public, supervision by the Republic of Indonesia Ombudsman with prevention. Prevention is done by assess the policy on public services and then providing socialization about the possibilities of a gap to conduct maladministration. So that public service providers can improve their services before maladministration occurs.

CHAPTER III

RESEARCH METHODS

A. The researcher's area of interest

This research took place in Surabaya city and the research site at Republic of Indonesia Ombudsman office in Surabaya City which located at Jalan Ngagel Timur No.56, Pucang Sewu, Gubeng, Surabaya. The researcher chose this place because from all the Republic of Indonesia Ombudsman office in Indonesia, Surabaya took the second place as the most of maladministration report in Java Island and for the police maladministration took the first place as the most of report.

B. Research Focus

Determination of research focus is to provide limitation for this research, so that it can answer the research question. Based on the problems that have been formulated in chapter 1 and refer to the literature review, the researchers will set the focus of this study as follows:

- 1) The role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman. Supervisory function within Republic of Indonesia Ombudsman in Surabaya City are completing reports from society and preventing of maladministration.

To Completing reports from society, Ombudsman Representative have task as follows:

- a) receiving reports on alleged maladministration in the provision of public services,
- b) conduct a substantial examination of the report.,
- c) follow up reports covered by the scope of ombudsman's authority,
- d) investigate on its own initiative against alleged maladministration in the provision of public service,
- e) coordinate and cooperate with state agencies or other government agencies as well as community and private institutions,
- f) establish networking.

Meanwhile in prevention, Ombudsman Representative do closed investigation to assess public service in the police in order to prevent maladministration.

In the first research question, the researcher limits the research focus of the role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman based on Act no. 37 year 2008 about Republic of Indonesia Ombudsman.

- 2) The obstacles faced by Republic of Indonesia Ombudsman in carrying out the supervisory role:
 - a) Obstacles from the internal of Republic of Indonesia Ombudsman.
 - b) Obstacles from the external of Republic of Indonesia Ombudsman.

In the second research question, the researcher limits the focus of the research in the kind of obstacles faced by *Ombudsman Republik Indonesia* in carrying out the supervisory function, from inside and outside Republic of Indonesia Ombudsman.

C. Research Methodology Framework

In this research, researchers used a research methodology framework from Saunders et al (2016, p. 124) with the name of the research "Onion" framework.

Research onion is a framework in the form of layers where the more discussed, it will be more give specific explanation of research methods used in the study. The concepts of the research "onion" are as follows:

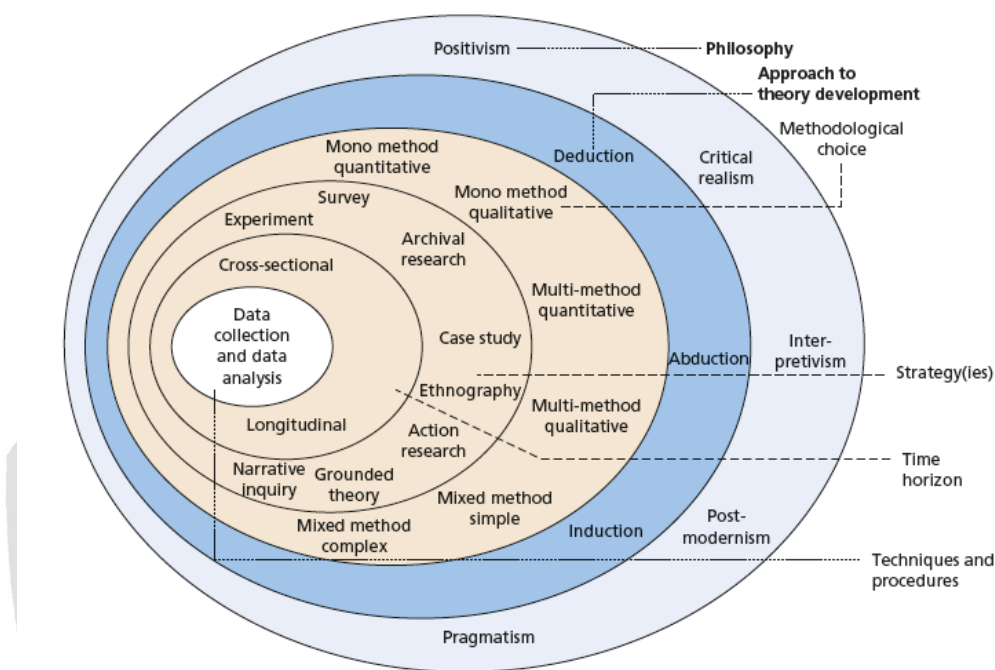


Figure 3.1 The Research "onion"

Source : Mark Saunders, Philip Lewis and Adrian Thornhill (Saunders, Lewis, & Thornhill, 2016, p. 124)

1) Research Philosophy

The term research philosophy refers to a system of beliefs and assumptions about the development of knowledge. In this study, researchers used interpretivist research philosophy. According to Saunders (2016, p. 140) the purpose of interpretive research is to create an understanding, and a new, more recent understanding of the social world and context. Interpretivist researchers try to take account of the complexity by collecting what is meaningful to their research

participants. When researcher collected the data, researcher believe on the informant because informant is assistant of Republic of Indonesia Ombudsman which is expert in this case study.

2) Research Approach

This research used inductive approach. Because the inductive approach begins with collecting data to explore the phenomenon and then generating or constructing the theory. The first, researcher collected data about type and total number of maladministration in police, then did interview with ombudsman's assistant about the role of Republic of Indonesia Ombudsman in handling police maladministration and the obstacles, after that researcher comparing the finding with the literature. The conclusion of the finding and literature gave new understanding what the role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman.

3) Methodological Choice

According to John W. Creswell (2014, p. 5) qualitative research is an approach to explore and understand the meaning of individuals or groups that are perceived as a social or human problem. To explore and understand to role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman, researchers collect data about police maladministration then used sound governance and supervision theory as guide theory. Then analysed the findings and theories to get more deeper understanding.

4) Research Method

Then this research used case study methods to study, explain, or interpret a case in its natural context without outside intervention. According to Robert K. Yin (2014, p. 19) a case study is an empirical investigation that explores contemporary phenomena in depth and in a real-world context, especially if the boundary between phenomena and the context may not be clearly evident. In this research, steps of the research are like follows:

- a. Case selection. Case selection from this study is role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman.
- b. Data collection. Data collection by researcher with observation in Republic of Indonesia Ombudsman office in Surabaya City, interview, and documentation analysis.
- c. Data analysis. The research collects data obtained from observation, interviews, and document analysis then creates a draft report.
- d. Refinement. After conducting the analysis, the researcher collects the data again to complete the data analysis.
- e. Write Report. After collecting data and analysing data, the researcher then wrote a research report.

5) Time Horizon

This research use cross-sectional. Cross-Sectional is a study that involves studying a particular phenomenon at any given time. In this research, researchers conducted research for 25 weeks.

6) Techniques And Procedures

6.1 Source of Data and Collecting Technique

The data source is where the research data is obtained. According Sutopo (2006, pp. 56-57) data source is where data obtained by using certain methods either in the form of humans, artefacts, or documents. In this research the data was used are:

1. Primary data

Primary data is a source of data obtained directly from the original source and not through intermediate media. Primary data can be subject opinion individually or in groups, observations of an object, event or activity, and test results. In this research the primary data was obtained from interviews with the informant. The informant of this research are:

- a) Mr. Sulung Muna Rimbawan and Mr. Fikri Mustofa from Reception and Verification Report Division,
- b) Mr. Achmad Khoiruddin and Mrs. Vice Admira Firnaherera from Reports Completion Division,
- c) Mrs. Vice Admira Firnaherera and Mr. Achmad Azmi Musyadad from Prevention Division.
- d) And also 3 reporter in Republic of Indonesia Ombudsman which to be anonymous as their request.

The reason chose the informant is they are the expert of this field. From Ombudsman's assistant, they are people who direct to do the role of supervisory

function. And reporter is people who felt the police maladministration and also used the service of Republic of Indonesia Ombudsman.

2. Secondary Data

Secondary data is a source of research data obtained by researchers indirectly through intermediary media like obtained and recorded by other parties. Secondary data are generally in the form of evidence, records or historical reports that have been compiled in published and unpublished archives. In this study secondary data used by researchers are data registration report data, data reports alleged maladministration in the field of police, and memorandum of understanding between Republic of Indonesia Ombudsman and Police.

Then for data collection techniques, this research used interview techniques, observation, and documentation. According Sugiyono (2005, p. 62), Data collection techniques is the most strategic step in the research, because the main purpose of the research is to get the data. And for data collection techniques will be collected as follows:

1) Interview.

According to Creswell (2014, p. 270), interview techniques are researchers conducting face-to-face interviews with participants, telephone interviews, or conducting focus group interviews with six to eight people interviewed in each group. These interviews involve unstructured and generally small open questions and are intended to gain views and opinions from participants. This research was interview with:

- a. Mr. Sulung Muna Rimbawan and Mr. Fikri Mustofa from Reception and Verification Report Division,
- b. Mr. Achmad Khoiruddin and Mrs. Vice Admira Firnaherera from Reports Completion Division,
- c. Mrs. Vice Admira Firnaherera and Mr. Achmad Azmi Musyadad from Prevention Division,
- d. 3 reporter in Republic of Indonesia Ombudsman which be anonymous based on request.

2) Observation

The observational technique is that researchers took field notes about the behaviour and individual activities in the study sites. In this field notes in a semi-structured way using some of the previous questions have been made in the activity at the study site. This observation was open observation because researchers asked general questions to resource persons to freely give their views. And also, the researcher did observation in the Office of Republic of Indonesia Ombudsman in Surabaya City.

3) Documentation

Documentation techniques are during the research process, researchers can collect documents. Such as newspapers or personal documents such as personal journals. Alternatively, audio and visual documents can be photographs, videotapes, website main page, e-mail, text messages, social media texts, or any form of sound.

In this research, researchers used this technique to record data from the research sites in the Republic of Indonesia Ombudsman in the form of documents, archives, or written sources relevant to the research focus.

6.2 Data Validity

According to Creswell and Miller (in Creswell, 2014, p. 290) validity is one of the strengths of qualitative research and is based on determining whether the findings are accurate from the perspective of the researcher, participant, or reader of the research. The abundant requirements in the qualitative literature discuss validity, such as trust, authenticity, and credibility. Triangulation is the most commonly method of testing the validity of data in qualitative research. Triangulation is a technique of checking the validity of data by exploiting something else outside the data for the purposes of checking the data or as a comparison against that data.

According to Patton (in Yin, 2014, p. 181), the four types of triangulation in evaluating triangulation as follows:

1. Triangulation data,
2. Triangulation of researchers,
3. Theory of triangulation, and
2. Methodological triangulation.

In this study, researchers used data triangulation. Researchers used various data sources such as ombudsman and police MOU documents, archives such as Act about ombudsman and police, interviews with 6 Ombudsman's assistants and 3 reporters, and observation results. From that all sources, research compared the

interview result each assistant, then compared with the act, and compared with the observation results.

6.3 Data Analysis Techniques

In previously, researcher mention before that the type of research was qualitative approach and used case study research methods, then the method of data analysis in this study used single case explanation building method. Explanation building aims is to “explain” a phenomenon is to stipulate a presumed set of causal links about it, or “how” or “why” something happened. In most case studies, Explanation building is narrative. A better case study, which is where the explanation reflects some of theoretically significant propositions whose magnitudes may begin to offset the lack of precision.

According to Yin (2014, p. 217) the process of explanation building is as follows:

1. Make a theoretical statement or preliminary explanation.
2. Compare the initial case findings to the statement.
3. Then revise the statement.
4. Compare the details of other cases against revisions.
5. Compare the revised findings of the second, third, or later case.
6. Repeat this process as many times as needed.

But because this research is a single case study, the process of data analysis described the explanation building technique as follows:

- 1) Make a theoretical statement or preliminary explanation.

The first step was to implemented case study research begins with determined the issue that would be investigated and developed the design of the research.

In this research, the issue would be explained is the role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman. Then researcher prepared the data that would be collected in the research field.

- 2) Compare the findings in the field and compare them with the theoretical statements.

The second step is to compared the data which is found in the field and the existing theory. Then from this comparison will found answers to questions in this study. Principles in the implementation of case study data collection in this study is to used the principle of multiple sources of evidence. The evidence or data required in the case study research originated from several sources: documents, records, interviews, and observations.

- 3) Then conclude the research finding.

The final step is to summarize the findings of the research and then write a research report. Findings that had been obtained when the research was the role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman and the obstacles faced by Republic of Indonesia Ombudsman in carried out the supervisory role was summarized and written into this research thesis.

CHAPTER IV

RESULT AND DISCUSSION

A. Research Results

1) General Description of research location

a. East Java Province

Geographically, East Java Province is located between 111⁰⁰ East Longitude - 114⁰⁴ 'East Longitude and 7⁰¹² South Latitude - 8⁰⁴⁸ "South Latitude and is bordered by Java Sea in the north, Bali Strait in the east, Indian Ocean in the south, and Central Java Province in the west. The area in East Java province covers the mainland in Java island and has 446 small islands. The small island is spread in several districts in East Java but only 110 islands are inhabited. Madura is the largest island in East Java separated by the mainland of Java by the Madura Strait. So the province of East Java became the largest province on the island of Java. And the total population in East Java in 2017 as many as 39,293,000 people divided into 19,397,900 females and 19,895,100 males.

Based on the Central Statistics Agency of East Java (BPS Provinsi Jawa Timur, 2017), in 2016 East Java Province has an area of 47,799.75 km². Of the total area, East Java Province is divided into 9 cities namely Kediri, Blitar, Malang, Probolinggo, Pasuruan, Mojokerto, Madiun, Surabaya and Batu. There are 29 regencies, namely Pacitan, Ponorogo, Trenggalek, Tulungagung, Blitar, Kediri, Malang, Lumajang, Jember, Banyuwangi, Bondowoso, Situbondo, Probolinggo, Pasuruan, Sidoarjo,

Mojokerto, Jombang, Nganjuk, Madiun, Magetan, Ngawi, Bojonegoro, Tuban, Lamongan, Gresik, Bangkalan, Sampan, Pamekasan and Sumenep.



Figure 4.1: Symbol of East Java Province

Source: www.jatimprov.go.id

East Java province has a proverb written on the symbol of East Java province "*Jer Basuki Mawa Beya*" which means to achieve a happiness is required sacrifice. East Java province also has a vision and mission for the development of East Java in the period 2014-2019. The vision is East Java more prosperous, fair, independent, competitive, and have good morals.

East Java Province have 2 missions to realize the vision. First, to improve the welfare of the people with justice. The objectives are to increase employment expansion, increase equity, and expand access to education, improve public health, and accelerate and expand poverty alleviation. The second mission is to improve the economic development, independent and competitive, based on agribusiness or agroindustry, and industrialization. The objective of the mission is to increase economic

activity and institutional quality of MSMEs and Cooperatives, increase agricultural productivity, increase food security, increase domestic and foreign trade exports, increase industrial sector performance acceleration, increase tourism sector contribution, improve investment performance in and abroad, as well as regional investment, and the last to increase the availability and quality of infrastructure to develop economic competitiveness and people's welfare.

b. Republic of Indonesia Ombudsman office in Surabaya City.

Republic of Indonesia Ombudsman is an external supervisory institution which is independent. Based on Act no. 37 year 2008 about Republic of Indonesia Ombudsman, Ombudsman is a state institution which has the authority to supervise the implementation of public service either organized by the state and government organizers including those held by State Owned Enterprises, Regional Government Enterprises and State-Owned Legal Entities and private or individuals assigned to held certain public services that some or all of their funds are sourced from the state budget or regional revenue and expenditure budget. Because it is independent institution, in carrying out his duties and authorities there is no interference from any party.



Figure 4.2: Logo of Republic of Indonesia Ombudsman.
Source: www.ombudsman.go.id

Republic of Indonesia Ombudsman was first inaugurated in Indonesia on March 10, 2000 as *Komisi Ombudsman Nasional* then in 2012 changed to state institutions. Based on Act no. 37 year 2008 about Republic of Indonesia Ombudsman Article 5 paragraph 2, ombudsman may establish ombudsman representation in provinces or districts or municipalities. Then clarified by government regulation no. 21 year 2011 about establishment, composition and working procedures of representatives of Republic of Indonesia Ombudsman in the region inaugurated representative offices in every province in Indonesia. One of Republic of Indonesia Ombudsman Representative in East Java which opened in November 2010 and began active in early 2011. Office of Republic of Indonesia Ombudsman Representative in East Java is located on Jl. Ngagel Timur No.56, Surabaya.



Figure 4.3: Republic of Indonesia Ombudsman Office in Surabaya City
Source: Researcher's Document

1. Vision, Mission, and Motto.

An agency, institution, organization or company must have a vision, mission and motto used in running the organization. Vision is the future goal of an agency, organization, or company. Republic of Indonesia Ombudsman itself has a vision as Republic of Indonesia Ombudsman which is authoritative, effective and fair. While the mission is the elaboration or steps will be taken to achieve or realize the vision. To run the vision of Republic of Indonesia Ombudsman has a mission that are:

- 1) Institutional Strengthening.
- 2) Improving the quality of Republic of Indonesia Ombudsman's service.
- 3) Increasing Community Participation.
- 4) Encouraging the improvement of public service quality by government organizers.
- 5) Strengthening eradication and prevention of maladministration and corruption.

Motto is a phrase or word that is used as a slogan or guidelines that describe the motivation, passion, and purpose of an organization, institution, or company. In carrying out its vision and mission, Republic of Indonesia Ombudsman has a motto that is always held that is serving unconditionally,

that is supervising without taking sides. So that Republic of Indonesia Ombudsman does not distinguish between the reporter and the reported party.

2. Functions, Duties and Authorities.

Republic of Indonesia Ombudsman has a function to oversee the implementation of public services organized by state and government agencies at the central as well as in the regions including those held by state-owned enterprises, regional-owned enterprises and state-owned legal entities, as well as private bodies assigned to organize certain public services. To carry out these functions, Republic of Indonesia Ombudsman has 8 basic tasks as follows:

- 1) Receiving report on alleged Maladministration in the implementation of Public Service
- 2) Conduct a substantial examination of the Report
- 3) Follow up Reports covered within the scope of ombudsman authority
- 4) Investigate on its own initiative against alleged Maladministration in Public Service delivery
- 5) Coordinate and cooperate with State institutions or other government agencies as well as community and private institutions
- 6) Build networking
- 7) Prevent Maladministration in Public Service Provision and
- 8) Perform other duties granted by the Act.

In carrying out these tasks, Republic of Indonesia Ombudsman has the authority to do the job well. The authorities is as follows:

- 1) Requesting oral or written information from the complainant, the reporting party, and other relevant parties regarding reports submitted to the ombudsman;
- 2) Checking decisions, correspondence, or other documents available to the complainant or to report to obtain the truth of a report,

- 3) Request clarification or copy of documents required from any agency for inspection of reports from the reporting agency;
- 4) Making a call to the complainant, the reporter, and other parties related to the report;
- 5) Complete the report through mediation and conciliation at the request of the parties;
- 6) Making recommendations on the completion of the report, including recommendations to pay compensation or rehabilitation to the injured party;
- 7) In the public interest announcing the findings, conclusions, and recommendations.

In exercising its authority, Republic of Indonesia Ombudsman shall not interfere with the judges' freedom of judgment, so reports from the public may be denied if they have entered the court domain. And also in carrying out its duties and authority, ombudsman cannot be arrested, detained, interrogated, stoned, or sued in court.

3. Organizational structure

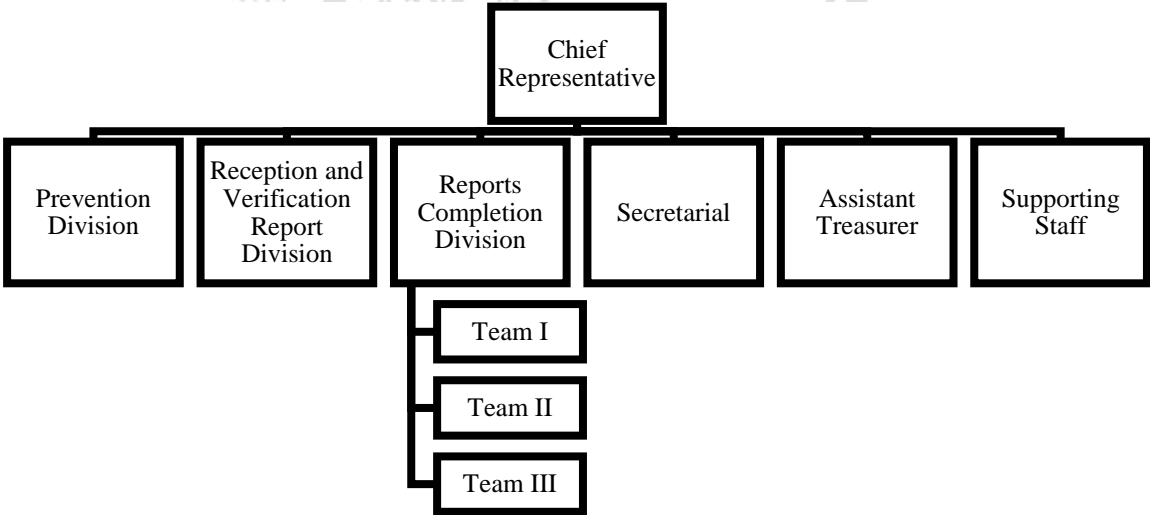


Figure 4.4: Organizational Structure of Republic of Indonesia Ombudsman in Surabaya City
Source: processed by researcher

Republic of Indonesia Ombudsman in Surabaya City led by the chief representative. The chief representative is appointed by ombudsman's chairman to lead the ombudsman's representative office in the area. Under the leadership of the chief representative, there are assistant ombudsman, secretariat, secretarial, assistant treasurer, and supporting officer. The ombudsman's assistant is an officer appointed by the ombudsman chairman based on the agreement of the ombudsman's meeting to assist the ombudsman in carrying out his functions, duties and authorities. The assistant is divided into the Prevention division, Receiving and Verification of the report division, and report completion division.

In the field of report completion is divided into 3 Teams based on the substance of the report. Team I handles substance on agrarian, excise, excise and tax, immigration, prosecutors, employment, taxes, banking, transportation, land, property, and labour migrants. Team II deals with population administration, drinking water, religion, staffing, social welfare, state commissions or institutions, prisons, electricity, resettlement / housing, judiciary, industrial trade, defence and security, telecommunications, army, transmigration, transportation and pilgrimage . And team III deals with energy and natural resources, marine, police, public information, infrastructure, forestry, informatics, health, the environment, investment, education, licensing, fisheries, plantation, agriculture, and mineral resources.

Then there is also a secretariat duty to take care of documents such as mail before handed to assistant. Furthermore, there is a treasurer who is

in charge of overseeing the ombudsman's financial representation. Secretarial and treasury treasurer is a civil servant. In addition, the support staff are cleaning servicer and security.

Table 4.1: Number of Employees in Republic of Indonesia Ombudsman in Surabaya City.

No.	Position	Number of Employees
1.	Chief representative	1
2.	Ombudsman's Assistant	12
3.	Secretarial	2
4.	Assistant Treasurer	1
5.	Cleaning servicer	1
6.	Security	2

Source: processed by researcher

2) The Role Supervisory Function in Handling Police Maladministration Within Republic of Indonesia Ombudsman in Surabaya City.

a. Type of Maladministration.

Maladministration is subject repaired by Republic of Indonesia Ombudsman in public services in Indonesia. Understanding of maladministration itself according to Mr. Achmad Khoiruddin as coordinator of Team 2 is:

"Maladministration is an act that is against the law, beyond the authority, use authority for any purpose other than that purpose of the authority, including neglect of legal obligations in the implementation of public services conducted by civil servant and government which incur losses of material or immaterial for communities and individuals." (Interview on Thursday, March 1, 2018)

So maladministration is the behaviour of public service employees who are not in accordance with Standard Operational Procedures owned by public service providers. And also, can be unlawful behaviour, abuse of

authority and neglect of obligations. So the behaviour can causes the loss, the loss can be material or immaterial.

According to Mr. Fikri Mustofa as the Assistant Reception and Verification Report Division, Republic of Indonesia Ombudsman in 2017 received 64 reports for alleged maladministration within the police. From the 64 reports, the alleged maladministration is handled as follows:

Table 4.2: Number of Police Maladministration in 2017

No.	Type of Maladministration	Total
1	Protracted delays	32
2	Take sides	1
3	Incompetent	13
4	Not provide a service	2
5	Conflict of interest	2
6	Misuse of authority	7
7	Deviation of procedure	5
8	Acting inappropriate	2
Total		64

Source: processed by researcher

Based on the data table, from 10 types of maladministration handled by Republic of Indonesia Ombudsman in Surabaya City only 8 types of maladministration that occurred in the police in 2017. The greatest number of maladministration is protected delays. And, take sides as a little alleged maladministration. While the 2 types of maladministration that are not handled in 2017 are discrimination and demand for rewards.

Furthermore, some example of police maladministration cases handling by Republic of Indonesia Ombudsman in Surabaya City are like follows:

Table 4.3: Cases of maladministration within Police Service

No.	Type of Police Maladministration	Example of case
1	Protracted delays	Allegations of protracted delays conducted by <i>Polres</i> xxxx in handling crime case of sold land without the knowledge of the landowner.
2		Alleged maladministration of protracted delays by <i>Polres</i> xxxxxxxx in handling xxxxxxxx society complaint.
3		Allegations of protracted delays by <i>Polres</i> xxxxxxxx in handling a report about crime allegations on rent a land without rights by the head of xxxxxxxxxxxx office.
4	Misuse of authority	Allegations of misuse of authority in arrest and shooting by Police Officer at <i>Resort</i> xxxxx.
5		Allegations of misuse of authority dugaan penyalagunaan wewenang investigator of <i>Polresta</i> xxxxxx in stopping the investigation process of police report number: xxxxxxxxxxxx.
6	Incompetent	Alleged maladministration of incompetent by <i>Polsek</i> xxxx in issuance the notification letter of Investigation Termination (<i>Surat pemberitahuan penghentian penyidikan / SP3</i>).
7		Alleged maladministration of incompetent in determination of suspect status by <i>Polres</i> xxxxx
8		Alleged maladministration of incompetent by the investigation officer at <i>Polres</i> xxxx in handling fraud and embezzlement case.
9	Acting inappropriate	Alleged maladministration of acting inappropriate by police officer named xxxxxxxx allowing beatings to reporters at <i>Polsek</i> xxxxxxxx office.
10	Conflict of interest	Allegations of interest conflict by Police xxxxx related with criminal

		issue of land grabbing conducted by Mr. xxxxx.
11	Not provide a service	Alleged maladministration by <i>Polres</i> xxxxxxxx who do not provide a service.
12	Deviation of procedure	Alleged maladministration of procedure deviation by <i>Polda</i> xxxx in <i>Taruna AKPOL</i> admission in 2017.
13		Allegation of procedure deviation in psychological tests conducted by committee of <i>Bintara Polri</i> 2017.
14	Take sides	Allegation of take sides by <i>Polres</i> xxxxx in handling police report No: xxxxxxxxxxxx about alleged criminal act using false or counterfeit letters (KUHP Pidana article 263 paragraph 2).

Source: Processed by researcher.

Meanwhile, if viewed from the Reported Party from 64 reports in 2017, Reported Party in the Police are as follows:

Table 4.4: Reported Party within the police in 2017

No	Reported Party	Total
1	<i>Polda</i>	12
2	<i>Polrestabes</i>	2
3	<i>Polresta</i>	16
4	<i>Polres</i>	25
5	<i>Polsek</i>	9
Total		64

Source: Processed by researcher.

From the data table can be seen number of reported party from report about maladministration within the Police received by Republic of Indonesia Ombudsman in 2017. The most reported party is the Police Resort District or *Polres* are 25 reports. While the least is *Polrestabes* are 2 reports.

b. The Role of Supervisory Function in Handling Police Maladministration within Republic of Indonesia Ombudsman.

To carry out supervisory functions of Republic of Indonesia Ombudsman, Republic of Indonesia Ombudsman has following duties as follows:

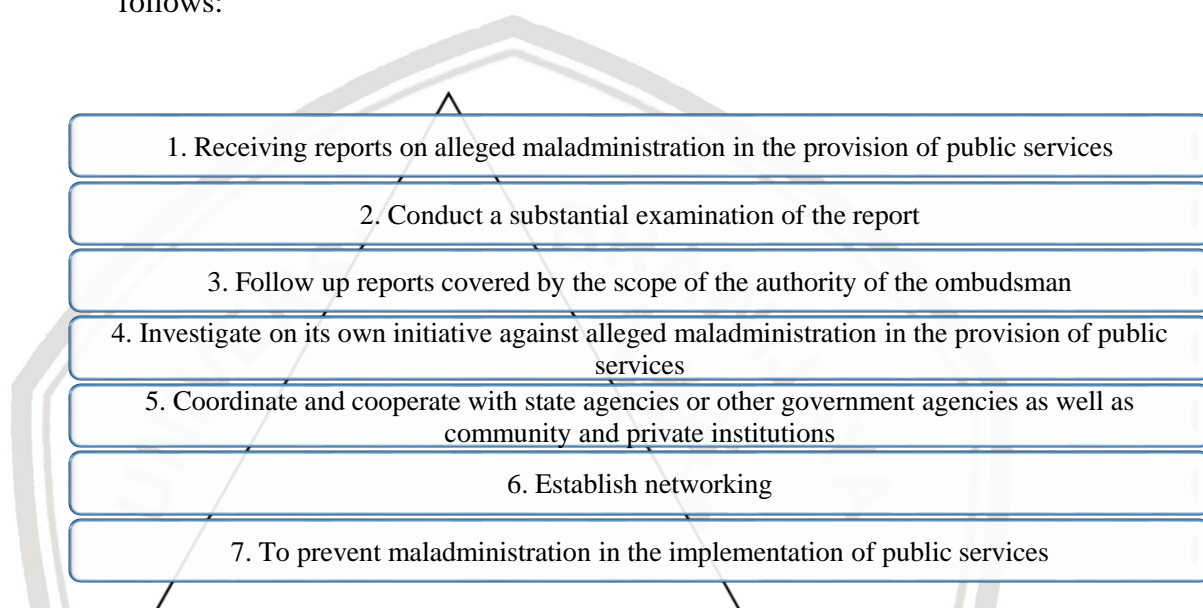


Figure 4.5: Duties of Republic of Indonesia Ombudsman
Source: Act no. 37 year 2008 about Republic of Indonesia Ombudsman

- 1) Receiving reports on alleged maladministration in the provision of public services.

The first task is receiving reports on alleged maladministration in the provision of public services, public service in this research is the police. People who report to Republic of Indonesia Ombudsman called the Reporter. Reporters are clarified into 3 categories: direct victims, victim representatives such as lawyers, family, or community groups, and the last legal entities such as foundations, NGOs, corporations, and

community organizations. This is in accordance with what was said by Mr. Fikri Mustofa, as the Assistant of reception and verification report division, that was:

"The reporter in the ombudsman is divided into 3 namely the first, the direct victim of the maladministration. Second is victim representation, victim representation can be like lawyer, victim's family, or community group. Third is a legal entity, a legal entity can be like a foundation, an NGO, a company, or a community organization "(interview on Tuesday, January 30, 2018)

Reporters who report to the Republic of Indonesia Ombudsman will be accepted by the Assistant of reception and verification report division. The reporter can report to the ombudsman in several ways:

- a) Come directly to the office of Republic of Indonesia Ombudsman at the center or in the representative in east Java. Then the complainant is required to complete the form and may consult with the ombudsman's assistant.
- b) By sending a letter to the ombudsman's office at the center or representative in east Java at Jalan Ngangel Timur No. 56 Surabaya.
- c) By phone at ombudsman the center or representative in east Java at 031-99443737.
- d) By sending an email to the center or representative in east Java in jatim@ombudsman.go.id.
- e) By sending fax mail to the center or representative in east Java at 031-35041537.
- f) By sending Whatsapp to Ombudsman representative in east Java at 081515015000.
- g) And also can be through social media such as website *Ombudsman Republik Indonesia* or other social media such as facebook in OmbudsmanRIJatim and Instagram in Ombudsman.jatim.



Figure 4.6: Consultation and report receipt at Car free day in Surabaya City

Source: Document of Republic of Indonesia Ombudsman

This is in accordance with the explanation of Mr. Sulung Muna Rimbawan as coordinator of reception and verification report division, that:

"Reporters can report by coming directly to the office, sending letters, calling to the office, sending emails, sending faxmail, sending whatsapp, or through ombudsman social media. The reporter may report at center or to representatives because the ombudsman has an overflow system. So after the plenary meeting which is every week will be decided. "(Interview on Tuesday, January 30, 2018)

After the assistant receives the report from the Reporter, then the Assistant field of reception and verification report division will verify the formal requirements. According to Mr. Fikri Mustofa as Assistant of reception and verification report division, verification of formal requirements is:

"Verification of the formal requirements is to examine some administrative matters that must be met to submit a report to the ombudsman so that the report can be acted upon" (interview on Tuesday January 30, 2018)

Formal requirements that must be fulfilled by the reporter for the report to be acted upon are:

1. The identity of the reporter like full name, place and date of birth, marital status, occupation, full address and no. contact telephone, and photocopy of the identity of the complainant.
2. Power of Attorney when represented to other parties.
3. Evidence of relationships with represented parties.
4. Detailed chronology of events or decisions.
5. Evidence of the Reporting Entity or represented has reported the incident directly to the reported party or his supervisor but did not get the settlement properly.
6. The reported incident or decision has not passed 2 years since the incident occurred.

Then Mr. Fikri Mustofa further explained that:

"If reporter not meet the formal requirements, ombudsman can be contacted reporter by phone or by sending a letter if reporter could not be reached." (Interview on Tuesday, January 30, 2018)

If the reporter has not fulfilled requested formal requirements, assistant who receives the report will contact the reporter. If the reporter is difficult to contact within 1 week, ombudsman's assistant will send a letter to the reporter. If within 30 working days the complainant fails to comply with the formal requirements and does not inform to ombudsman's assistant then the report will not be acted upon and the reporter shall be deemed to have revoked the report file.

There is an exception for not completing these requirements, such as secret reports and rapid response ombudsman's report (RCO). RCO

reports have criteria that a report on the state of emergency, life-threatening or life-threatening rights. For RCO Reporting Reporters may complete after the emergency is handled. It was based on the explanation of Mr. Sulung Muna Rimbawan as coordinator of reception and verification report division that:

"But there are exceptions to not meeting those requirements, one of that is the RCO or Ombudsman Quick Response. Examples of such cases, couple times ago, there are children who need medical handlers in Sidoarjo but his ID card in Madiun, so he get less response. Then the ombudsman comes there and tells the Hospital to immediately help the child. "(Interview on Tuesday, January 31, 2018)

It can be concluded if the first stage to receive reports of alleged maladministration in the implementation of public services is received reports from the public, hereinafter referred to by the Reporter. Then the assistant of Republic of Indonesia Ombudsman will conduct a formal inspection of terms or administrative requirements. After the Reporter has met the formal requirements, the Assistant of reception and verification report division will proceed to the next stage of the verification phase of material requirements or examination of the contents of the report.

2) Conduct a substantial examination of the report.

Do examine the substance on the report or in the ombudsman called with verification of material requirements. Substantial checks on reports are carried out by reception and verification report division.

Material requirements are things that are substantive or related to the Republic of Indonesia Ombudsman's authority to be met to submit reports to ombudsman in order to be acted upon. The material requirements examined are:

- a. The substance of the report is not moderate and has been the subject of a court hearing, unless the report concerns maladministration actions in court proceedings.
- b. The report is not in the process of settlement by the reported agency and according to the ombudsman the process of completion is still within an appropriate time frame.
- c. The reporter has not obtained a settlement from the reported party.
- d. The substance reported in accordance with the scope of ombudsman authority.
- e. The substance reported is not being or has been acted upon by the ombudsman.

Mr. Sulung Muna Rimbawan as the coordinator of reception and verification report division explains further if:

"The results of material verification are written in the form of a summary of verification results. Then the summary is submitted in a plenary or representative meeting to be decided upon, will be followed up or rejected. For the representatives in East Java plenary meeting conducted once a week every Friday.
"(Interview on Tuesday, January 30, 2018)

The conclusion of the plenary meeting is the Republic of Indonesia Ombudsman do not has authorized to continue the inspection if no eligible material requirements or ombudsman has authorities continue to examine if the report is eligible material requirements. If the ombudsman is not authorized to proceed with the examination, the ombudsman's assistant will notify the reporter by mail within 7 working days from the date of the inspection report of

the document signed by the chief representative. If ombudsman has authorized to continue the examination, ombudsman will submit the report to report completion division.

- 3) Follow up reports covered by the scope of Republic of Indonesia Ombudsman's authority.

The third duties of Republic of Indonesia Ombudsman is Follow up reports covered by the scope of Republic of Indonesia Ombudsman's authority. After the plenary meeting is determined if the report includes in authority of Republic of Indonesia Ombudsman then the report continues to the report completion division, for the substance reported is the police will be handled by Team III. To handle reports of alleged maladministration by the police, Republic of Indonesia Ombudsman has established cooperation with the National Police of the Republic of Indonesia (*KAPOLRI*) as outlined in the memorandum of understanding or MoU. So that in carrying out the task of ombudsman in completion of report will be accompanied by *Irwasda (Inspektur Pengawas Daerah)*. *Irwasda* is an officer appointed by the Chief of Police to be responsible for implementation of Memorandum of Understanding at the local level.

According to Ms. Vice Admira Firnaherera as Team III's assistant explained that:

"After from the previous division and to be decided in planetary meeting, then the report will proceed to Team III. After we receive

the report document, we will study the report file. "(Interview on Tuesday, January 30, 2018)

After receiving the report file from the Reception and Verification Report division, the Assistant Team III will study all the documents before setting out the follow-up decisions to be taken. Studying the report is done by examining the substance of the report, the form of maladministration, and the evidence provided by the reporter then determining the required follow-up. Follow-up actions to be taken by the assistant may include:

- a. Request for data;
- b. Request for clarification;
- c. Calls the reported party;
- d. Field inspection;
- e. Conciliation;
- f. Stop checking. Examination may be terminated by the assistant if the Assistant of Team III receives a report not the ombudsman's authority or concludes that no maladministration is found.

Furthermore, Mrs. Vice Admira Firnaherera as Assistant Team III explained that:

"For example the case of alleged protracted delay, we usually collect 10-15 reports then we call the reported party to expose cases together in the regional police office (*POLDA*). During expose cases together there will be investigators from the police, *Irwasda* as supervisor, and assistant of Ombudsman "(interview on Tuesday, 30 January 2018)

To follow up the reports of alleged protracted delay, Republic of Indonesia Ombudsman do expose cases together in *Polda Surabaya* which is the center office in east java province. Expose cases together will be attend by reported party and accompanied by *Irwasda* as internal

supervisor of the police. When expose cases together, ombudsman's assistant will clarify whether the evidence from the reporter is same as the reported party has, then checking whether the Police Reports completion process is accordance with the stages based on *Perkap* no. 14 year 2012, and also checking the deadline for completion of the Police Report is still in a reasonable time or not, the last is checking the reporter obtaining *SP2HP* or if there are obstacles in completing the Police Report can be shared when the expose case together.

The Police Report is a written report made by police officers on the occurrence of an alleged criminal incident either found on its own or through a notice submitted by a person due to rights or obligations under the laws and regulations. *SP2HP* or Notification Letter Progress of Investigation Result is a police service that provides information to the reporter to what extent the progress of cases handled by the Police. So with the transparency of handling cases, the reporter can know the performance of the Police in handling the cases of crime. *SP2HP* is given to the reporter whether requested or not requested periodically at least once every 1 month. This is in accordance with the explanation of Mr. Achmad Khoiruddin as coordinator of Team III which explains that:

"Ombudsman will see whether or not the maladministration. For example, protracted delay report, is that phases based on the Regulation has been conducted by the police or not, how long the investigation was the distance, did the *SP2HP* given to the reporter or not, and if there is obstacle faced by the police."
(Interview on Thursday, March 1st, 2018)



Figure 4.6: Expose Cases Together
Source: Document of Republic of Indonesia Ombudsman

Most of the prolonged delay of Police Report case in East Java Because of *SP2HP* is not given to Reporter or Police investigators often change due to mutations. So the Police Reports are often alternated investigators who handle it. This is in accordance with the explanation of Mrs. Vice Admira Firnaherera as assistant Team III explaining that:

"In one case of Police Reports, the police may repeatedly change the investigator because investigators often have mutations. Also often *SP2HP* is not given to the reporter in the following months, usually the Reporter only gets in the first 1-3 months "(Interview on Tuesday, January 30, 2018)

With the reporter reporting to Republic of Indonesia Ombudsman representative in East Java, Ombudsman will encourage the police to complete the police Report and if there are obstacles Republic of Indonesia Ombudsman may provide advice and suggestion. This is in accordance with the explanation of Mr. Achmad Khoiruddin as coordinator of Team III which explains that:

"When the police report was reported to the ombudsman, the police report will get more attention from the police because there are

external parties that participate in supervising the police report. So Can be handled faster. "(Interview on Thursday, March 1, 2018)

For other allegations of maladministration such as deviation of procedures, inappropriate, misuse of authority, conflict of interest, not provide a service, incompetence, and take side, the follow-up actions taken by Republic of Indonesia Ombudsman is by field inspection. Field inspection are come directly to the reported party office and then ombudsman will request a data, ask for clarification to the reported party, and observe in the place to get evidence of maladministration. This is in accordance with the explanation of Mr. Achmad Khoiruddin as Team III Coordinator who explained that:

"For other alleged maladministration we usually go down to the field. For example deviation of procedure, we cannot collect in the expose case together because we cannot get the evidence. So ombudsman will go to the field. If the reported party is Polsek, ombudsman will come to Polres and then Polres will invite Polsek investigator because in accordance with the SOP of technical guidance, they must be accompanied by their superiors. "(Interview on Thursday, March 1, 2018)



Figure 4.7: Meeting with Lumajang Police
Source: Document of Republic of Indonesia Ombudsman

Follow up reports covered by the scope of Ombudsman's authority can be called an open investigation. Open investigation done by giving notice to the reported party and the inspection team. And also equipped with assignment letters and identity cards of ombudsman assistant. So it can be concluded if at the stage of Follow up reports covered by the scope of Republic of Indonesia Ombudsman's authority have 4 steps, there are to ask for clarification either in writing or oral, investigation or down to the field, write Final Report of Examination (*LHAP*), and mediation and conciliation.

Final Report of Examination is all result of report. Before making final report of examination, team III will have a discussion with the representative head. Report that have not maladministration then will be reported to the reporter with CC letter to the reported party. But if

Ombudsman found maladministration, it will be reported to the reported party and requesting response. If the final report of examination does not get follow-up from the reported party, then ombudsman in Surabaya will send report to the resolution and monitoring team in ombudsman in Jakarta for the next action taken.

In last steps of follow up reports, Republic of Indonesia Ombudsman can solve the report through conciliation. While for mediation, team III must propose a written resolution to the resolution team in the ombudsman of Jakarta. Then in 7 days, ombudsman Jakarta will give the decision can or not the report completed through mediation. Report criteria that can be settled through mediation or conciliation are reports that constitute a dispute over the right to service, reports arising from the existence of the losses suffered by the reporter, and reports involving many parties affected by the report resolution policy.

- 4) Investigate on its own initiative against alleged maladministration in the provision of public service.

The next task is done by Republic of Indonesia Ombudsman for complete report is to investigate on its own initiative against alleged maladministration in the provision of public service. According to Mr. Achmad Khoiruddin as coordinator of Team III, conducting an investigation on his own initiative are:

"Investigation of the truth of the documents. So if for example the ordinary clarification only gets a one-sided information from either

the reporter or the reported party, if the investigation on its own initiative or a closed investigation digs deeper into alleged maladministration "(interview on Thursday, March 1, 2018)

Investigation on its own initiative or also called closed investigation. Closed investigation is an investigation to deepen the alleged maladministration that occurs only one or more maladministration. Because there is no possibility in 1 Report from the Reporter can occur more than 1 maladministration. The Assistant do closed investigation when in handling the Report is in doubt with the documents provided by the Reporter or the Reported Party.

Closed investigation is conducted without notice to the reported party. So when conducting an investigation, team assistant III does not need to bring a letter of duty or identity card Republic of Indonesia Ombudsman. This is in accordance with the explanation of Mr. Achmad Khoiruddin as coordinator of Team III that:

"Normally if our usual investigation informs the reported party, but if the investigation of our own or closed investigation we do without notice to the reported party or related party" (interview on Thursday, March 1, 2018)

Investigate on its own initiative can be made at most 2x for 1 Report from the reporter. This is in accordance with the explanation from Mrs. Vice Admira Firnaherera as Assistant Team III that:

"closed Investigation for 1 yellow map or 1 report up to 2x go down to field. But if the case is difficult it can be with expose case together. But rarely there are more than 2x. "(Interview on Tuesday, January 31, 2018)

So it can be concluded at stage 4 to investigate on its own initiative against alleged maladministration in the provision of public service or also called closed investigation. A closed investigation is conducted if the assistant doubts the explanation of the Reporter or the Reported Party. Then the assistant of Republic of Indonesia Ombudsman will go to the field to deepen the case report and look for other evidence. And in conducting a closed investigation, the assistant of Republic of Indonesia Ombudsman does not need to inform the reported before investigating.

- 5) Coordinate and cooperate with state agencies or other government agencies as well as community and private institutions.

In carrying out its duties, Republic of Indonesia Ombudsman needs a support from other parties in order to do good job. One of them is to coordinate and cooperate with other State Institutions or Government Institutions and Community Institutions and individuals. By coordinating and cooperating, Republic of Indonesia Ombudsman may complete the Report from reporter and undertake maladministration prevention with the support of State Institutions, Government Institutions, Public Institutions, and individuals.

According to Mr. Achmad Khoiruddin as coordinator of Team

III explained that:

"If in Reports Completion Division in the Police, we try to make a memorandum of understanding to be a guide for the

implementation of the Police Reports investigation report. In order for the police to understand the duties and authorities of Ombudsman and the stages of conducting checks related to public service in the police."(interview on Thursday, March 1, 2018)

To support the work of Republic of Indonesia Ombudsman in completing the Report of alleged maladministration, cooperation between Republic of Indonesia Ombudsman and the Police is written in the form of memorandum of understanding. So that the duties, authorities, limitations, and procedures in performing the duties of the Republic of Indonesia Ombudsman and the Police will be clear and when coordinate with each other there is no miscommunication. But the MOU was made by Republic of Indonesia Ombudsman in Jakarta while the Representative office like east java just implemented the MOU. This is in accordance with the explanation of Mrs. Vice Admira Firnaherera as Assistant Team III that:

"The MOU was made by Ombudsman in the central while the representatives just implement the MOU." (Interview on Tuesday, January 31, 2018)

Moreover to the cooperation in completing the Report of alleged maladministration, also need cooperation in prevention of maladministration. In the prevention, cooperation built not only with the Police but can be with community groups, academics, news media and online media. So that in preventing maladministration in Police and other public services can be comprehensive because the supervision is not only done by Republic of Indonesia Ombudsman

but also get help from the community, academics, and news media or online media. This is in accordance with the explanation of Mr. Achmad Khoiruddin as coordinator of Team III that:

"If for prevention, as much as possible to do cooperation. If the task of the ombudsman is developed and assisted by the community or other institutions, the work of the ombudsman will be easier. Just not so supervision by the ombudsman, but also the community or other institutions help to promote the authority of the ombudsman." (Interview on Thursday, March 1, 2018)



Figure 4.8: Make MOU with education institution
Source: Document of Republic of Indonesia Ombudsman

Coordination between the parties involved in cooperation is required. The coordination within the Police is done in completing the Report of alleged maladministration and in the prevention of maladministration by the Republic of Indonesia Ombudsman and the Police represented by the Police's internal supervisor, Irwasda. This is

in accordance with the explanation from Mrs. Vice Admira Firnaherera as Assistant Team III that:

"Coordination is done when completing Reports of alleged maladministration and prevention of maladministration such as coordination with Irwasda. For example prevention of maladministration, there is a seminar on development of corruption-free areas, integrity zones, usually ombudsman is invited. So we supervise together with Irwasda and Police. "(Interview on Tuesday, January 31, 2018)

So at the stage of coordination and cooperation with other State Institutions or Government Institutions as well as Community Institutions and Individuals is built by Republic of Indonesia Ombudsman to assist in carrying out the task of completing Reports of alleged maladministration and prevention of maladministration in the police. Coordination is carried out by Republic of Indonesia Ombudsman with the Police represented by the internal supervisor or *Irwasda*. While the cooperation is done by Republic of Indonesia Ombudsman with Police, other institutions, print media and online media and the community to socialize the task of ombudsman and help in the prevention of maladministration.

6) Establish networking.

Republic of Indonesia Ombudsman builds networks to assist in carrying out its duties. Besides to coordination and cooperation with the Police, other institutions, news media and online media, and also the community, to help the task of the Ombudsman of the Republic of

Indonesia to build networks with the police. Since the opening of Republic of Indonesia Ombudsman Representative in East Java has many networks built with the Police. Such as joint education in the case of intelligence, assistant of Ombudsman also trained in *SatReskrim*, join with the *SABERPUNGLI* (*Sapu Bersih Pungutan Liar*) Team and invited in several activities to watch and supervise with the police. This is in accordance with the explanation of Mrs. Vice Admira Firnaherera as assistant Team III that:

"The network that has been built Ombudsman with the Police has a lot. Such as joint Education, assistant ombudsman have trained about intelligence, trained together in *Reskrim* so both ombudsman and police understand what the police duties, and also ombudsman join in one team with *SABERPUNGLI* Team as external supervisor. And also when there is a zone of integrity, ombudsman of East Java is invited to watch and supervise with *intelkam* "(Interview on Tuesday 31st January 2018)

Moreover, beside to building a network with the Police, Republic of Indonesia Ombudsman also has a work program with the community. In 2017, Republic of Indonesia Ombudsman has a community participation program and then formed a community named *Sahabat Ombudsman*. *Sahabat Ombudsman* spread in all East Java area. The task of *Sahabat Ombudsman* is to socialize the ombudsman's duties to society, as an informer if there is maladministration around them, and as a place to report to the ombudsman. This is in accordance with that described by Mr. Achmad Khoiruddin as coordinator of Team III that:

"In 2017, there is a community participation program called *Sahabat Ombudsman*. So *Sahabat Ombudsman* connecting the information when there is maladministration around them. With

Sahabat Ombudsman as a funnel of information, so that they socialize the main tasks of ombudsman's function directly to the society and as a place to report in ombudsman. "(Interview on Thursday, March 1, 2018)

In East Java, so many have joined with *Sahabat Ombudsman* like fisher communities, the community of women, and academics, and they have spread across the East Java province either in Java island or other islands. This is in accordance with the explanation of Mr. Achmad Khoiruddin as coordinator of Team III that:

"Already many joined. All communities such as fisher communities, women's communities, and academics. They are all over east java and other island areas "(interview on Thursday, March 1, 2018)



Figure 4.9: Socialisation with fisher community
Source: Document of Republic of Indonesia Ombudsman



Figure 4.10: Socialisation with women community
Source: Document of Republic of Indonesia Ombudsman

It was also explain by Reporter who knew the duties of Republic of Indonesia Ombudsman through socialization in his territory. He said that:

"I know the Ombudsman of socialization in my village. Then I was advised to come here to report and consult more deeply with the Ombudsman's assistant directly. "(Interview on Thursday, March 1, 2018)

So it can be concluded in building networks, Republic of Indonesia Ombudsman has built a lot of cooperation with the police. Like the example are joint training in the field of intelligence and also trained the assistant of Republic of Indonesia Ombudsman in *SatReskrim*, join in the *SABERPUNGLI* (*Sapu Bersih Pungutan Liat*) team, and assistant of Republic of Indonesia Ombudsman invited some events to follow and become external supervisors. Besides with the Police, in 2017 Republic of Indonesia Ombudsman has a community program called *Sahabat Ombudsman*.

- 7) To prevent maladministration in the implementation of public services.

The final task of Republic of Indonesia Ombudsman take steps to prevent maladministration in the public service. According to Mrs. Vice Admira Firnaherera as coordinator of prevention division explain the meaning of maladministration prevention in public service in the police is:

"The Ombudsman conducts investigative action on its own initiative. We did with mystery shopping method, so we disguised as service users, then we looked for a gap of maladministration possibilities. After getting the results we report to the supervisor to be corrected. "(Interview on Tuesday, January 31, 2018)

The prevention of maladministration by Republic of Indonesia Ombudsman is an investigation of its own initiative. Investigations of its own initiative is include a closed investigation where the assistant of Republic of Indonesia Ombudsman come without informing the Reported Party. The mystery shopping method is a disguised method without revealing as an assistant of Republic of Indonesia Ombudsman. Mystery Shopping is useful to assess a service with the method of posing as users of the service. This is in accordance with the explanation of Mr. Achmad Azmi Musyadad as assistant of prevention division that:

"Mystery shopping is to judge. For example, in a 24-hour standby police service, we will judge the officer to be on standby, is there a standard of service such as the cost of people reporting on the SPKT. "(Interviews on Thursday, March 1, 2018)

To determine the subject of prevention, assistant Republic of Indonesia Ombudsman is decisive based on the services often used by

the community and which is often complained by the public. Complaints can be seen in newspaper or online media, so before making efforts to prevention, assistant Republic of Indonesia Ombudsman will conduct a survey through the media. This is in accordance with the explanation of Mrs. Vice Admira Firnaherera as coordinator of prevention division that:

"To determine the prevention topics based on what services are often be used by people and that people often complain about. We usually see from the newspaper or online media." (interview on Tuesday, January 31, 2018)

In the prevention, the final result is the prevention of maladministration advice. After the investigation, the results of the investigation will be reported to the supervisor at the place in order to be fixed and if there are employees who do maladministration, the employer can impose sanctions in accordance with labour regulations. So it can prevent maladministration from the beginning. This is in accordance with the explanation of Mr. Achmad Azmi Musyadad as assistant of prevention division that:

"The output of prevention is maladministration prevention advice. For example, they did not published the cost and time required of making driver's license. Because of that, there is possibility of illegal charges. To prevent that, we inform them so that they will be installed and prevent illegal charges. Or they have their employees become illegal-charges servicer, we inform their superiors to be given sanctions so that others do not following up." (interview on Thursday, March 1, 2018)

Investigation of prevention can be done 3-4 times in 1 year. In 2017, Republic of Indonesia Ombudsman has done several investigations, the first is to carry out the assessment of the compliance of service delivery to public service standards accordance with the public service act. In East Java there are 6 districts and cities that be surveyed, those are Kediri, Tulungagung, Blitar, Lumajang, Bojonegoro, and Malang. For the police, the assessment is in making of Driver License and Police Note Certificate. This is in accordance with the explanation of Mrs. Vice Admira Firnaherera as coordinator of prevention field that:

"The first program was an assessment of public service standards in the public service act. Ombudsman assess the service there, and there is a report card of red, yellow, green. The difference between the police and other agencies is the police are quick to repair, for example, the Chief of Police directly do Call Conference with all Kapolda and Kapolres which assessed by the ombudsman and ask to directly fix, and also if there are sanctions such as the Kapolres directly replaced. "(Interview on Tuesday, 31 January 2018)



Figure 4.11: Investigating the making of Driver License
Source: Document of Republic of Indonesia Ombudsman



Figure 4.12: Investigation of Police Note Certificate in Kediri
Source: Document of Republic of Indonesia Ombudsman

The second program that has been done by Republic of Indonesia Ombudsman is to evaluate the 24 hour service conducted by the police in Surabaya. At 24-hours service was assessed is service and service standard. This is in accordance with the explanation of Mr. Achmad Azmi Musyadad as assistant of prevention division said that:

"Ombudsman also evaluate the 24-hour service conducted by the police. For example in Integrated Police Service Center (SPKT) is like what the condition. So the ombudsman does the inspection at the SPKT. Whether the police are on standby or not, is there a standard of service attached or not, as the cost of the report free or not." (Interview on Thursday, March 1, 2018)

The third program is Republic of Indonesia Ombudsman becomes an external supervisor when the admission of police and police who become civil service. At the admission there are several teams such as internal supervisor of Police are *Irwasda* and *Propam*, and also external supervisor are ombudsman, academic from university, and related offices. This is in accordance with the explanation of Mrs. Vice Admira Firnaherera as coordinator of prevention division said that:

"Ombudsman becomes an external supervisor when the admission of Police and police who become civil servants. The job of the ombudsman there ensures every step is accordance with the procedure. If there is a complaint, such as an inappropriate score or a rejected diploma will be immediately visible and immediately processed. So with the presence of external supervisors will be more open." (Interview on Tuesday, January 31, 2018)



Figure 4.13: Become external supervisor in admission of police
Source: Document of Republic of Indonesia Ombudsman

In the prevention of maladministration in the public services it can be concluded that the prevention is a closed investigation with using mystery shopping method. Republic of Indonesia Ombudsman not only send an agent to assess but also posing as users of the service. During the year 2017, there are 3 programs that have been done, those are public service standard evaluated in the making of Driver License and Police Note Certificate in 6 cities and regencies in East Java, assessment in 24-hour service in Surabaya conducted by the police, and as external supervisor in admission of Police and Police who become civil service in East Java.

- c. Obstacles faced by Republic of Indonesia Ombudsman in carrying out the supervisory role.

In carrying out the supervisory function to handle maladministration in the Police, the Republic of Indonesia Ombudsman have obstacles from inside of Republic of Indonesia Ombudsman itself or from outside Republic of Indonesia Ombudsman. The obstacles are as follows:

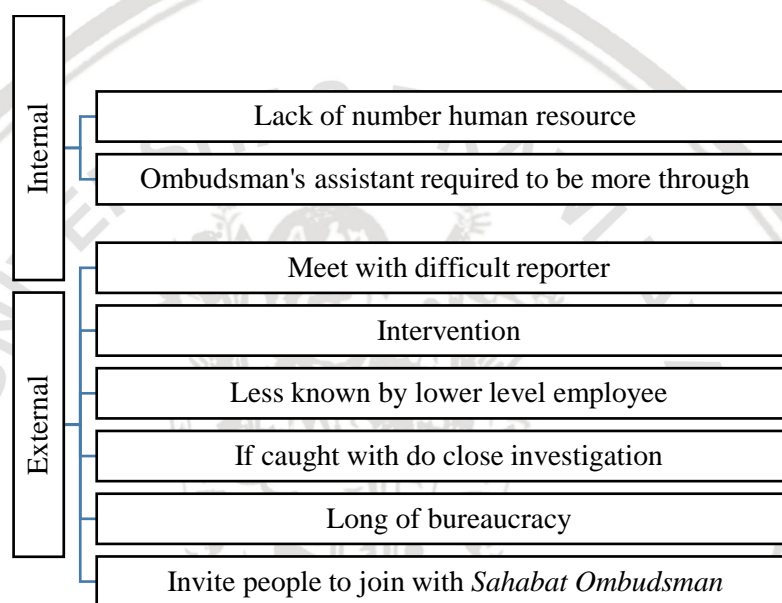


Figure 4.14: Chart of Obstacles faced by Republic of Indonesia Ombudsman

1. Obstacles from internal of Republic of Indonesia Ombudsman.
 - a. Lack of number human resources.

The first obstacles faced by Republic of Indonesia Ombudsman's assistant is the lack of number human resources. In the Republic of Indonesia Ombudsman office in Surabaya, there are 12 assistant which did supervisory function. Those 12 assistant divided into 3 division. With just 12 assistant, every assistant have to join in 2 division.

Reception and verification division have 4 assistants, consist of 1 coordinator and 3 assistant. This is in accordance with the explanation of Mr. Sulung Muna Rimbawan as coordinator of reception and verification Report division said that:

"The obstacle from ombudsman itself, we are a little overwhelmed by the number of reports received while this team only have 4 assistants." (Interview on Tuesday, January 31, 2018)

Moreover, this obstacles also faced by Report Completion Division. In completion division divided into 3 team, there are team I, team II, and team III. And those division also have many desk jobs. Thus, Team III has 4 assistant, 1 team coordinator and 3 assistants. Team III not only followed up reports of alleged maladministration in the Police but other fields as well. This is in accordance with the explanation of Mr. Achmad Khoiruddin as coordinator of Team III that:

"In this Ombudsman there are 12 assistants. It has been divided into Prevention Division, Reception and Verification Report Division, and Reports Completion Division. In Team III there are 4 people, I was assisted by 3 assistants. So the first obstacles is personnel. Because in Team III it's not just dealing with the Police but there are other substances." (Interview on Thursday, March 1, 2018)

One of the desk job of team III are to do investigation on field. Sometimes, their personnel cannot attend at that time because they have another job beside in team III. This is in accordance with the explanation of Mrs. Vice Admira Firnaherera as Assistant Team III explained that:

"Sometimes we lack of personnel. Maybe when one of the assistants can not join, if we less personnel usually there is from

another team that helps, joint investigation with other teams." (Interview on Tuesday, January 31, 2018)

Besides that, with just 12 assistant, it's also difficult to touch down all areas in East Java for do socialization. So, *Sahabat Ombudsman* was formed which is expected to become a forum for the community to report maladministration and also to socialize Republic of Indonesia Ombudsman to all areas in East Java. This is in accordance with the explanation of Mr. Achmad Khoiruddin as coordinator of Team III that:

"In this East Java representative, the assistant just 12 people. If socialization to areas far from the central government such as pacitan, trenggalek, blitar is very difficult. If only with the newspaper or the radio did not cover the whole. So by forming the Sahabat Ombudsman, so they will socialize as well as educate." (Interview on Thursday, March 1, 2018)

Moreover, besides faced by Republic of Indonesia Ombudsman assistant, It is also felt by the reporter. The first reporter said "If I make a call or come directly they directly served but at first, I send an email and I wait for 3-4 days to be able to get the reply." (Interview on Thursday, March 1, 2018). Meanwhile, according to second reporter in completing his Report to work of ombudsman's assistant was considered slow. It is in accordance with his statement that: "In completing my report is rather long, maybe because of lack of personnel. If the personnel added, may be the work more faster." (Interview on Thursday, March 1, 2018).

Therefore, having 12 assistants is not comparable to all of the desk job. And also each assistant is required to enter into 2 divisions. So that their desk job also increases. The lack of number human resources is faced by all division not only in reception and verification division but also in the team III.

b. Ombudsman's assistant required to be more through.

Another obstacle faced by reception and verification report division in the task after receiving the Report of alleged maladministration is the assistants required to be more thorough. This is in accordance with the explanation of Mr. Sulung Muna Rimbawan as coordinator of Reception and Verification Report division, that:

"Assistant of ombudsman are required to be more thorough. Sometimes the Reporter hides something and sometimes reports look like the authority of the ombudsman but it is not." (Interview on Tuesday, March 31, 2018)

Sometimes when giving evidence, there is a reporter who hides the evidence for several reasons. And also when doing conduct a substantial examination of the report, the Reports is look like the authority of Republic of Indonesia Ombudsman but after being traced deeper is not the authority.

2. Obstacles from external of Republic of Indonesia Ombudsman.

a) Meet with difficult reporter.

The obstacle faced when receiving reports of alleged maladministration is dealing with a difficult reporter. The difficult reporter is the Reporter who by Republic of Indonesia Ombudsman is grouped into several categories which are like to impose their desire, terrorize, talk without stopping, do not want to do what actually they can do themselves, do not listen to others opinions, have high expectations, and do violence. This is in accordance with those described by Mr. Fikri Mustofa as the Assistant of Reception and Verification Report division said that:

"If from external obstacle is meet with stubborn reporter. The category is they like to impose their desire, like to do terrorize, do not want to stop talking, do not want to understand and do not want to know, do not want to do something actually they can do, do not want to listen, have high expectations, and do violence." (Interview on Tuesday, January 31, 2018)

Then, at the step of receipt of the report and examination of the substance of the report is the first stage so that many reporters who cannot wait and want quick to be investigated. So the assistant of reception and verification report division is often faced with a stubborn reporter. This is in accordance with the explanation of Mr. Fikri Mustofa as the Assistant of Reception and Verification Report division, that:

"From the outside it is difficult to deal with the stubborn reporter. They want the report to be quickly investigated. Reporting Character is different, so if we meet stubborn reporter it is an obstacle from the outside." (Interview on Tuesday, January 31, 2018)

The obstacle from the outside faced by the assistant of reception and verification division is dealing with the difficult reporter. Because they are in the first stage of receiving reports from the society, this team often faces a difficult reporter. However, they still have to serve. Because it is in accordance with their commitment to serve without discrimination.

b) Intervention.

Another external obstacle faced by ombudsman's assistant is intervention related to the handling of Reports. It was explained by Mr. Achmad Khoiruddin as coordinator of Team III that:

"The existence of emphasis or intervention related to the handling of reports. For example, a lawyer, 'Sir this is already 14 days blablabla', or the reporter has a position or connection with Ombudsman members. And also reporter like to publish to the media. For example in handling of reports, the stages have been publish to public by Reporters, so it can make an opinion in the media. So it will affects with what the Ombudsman should do." (Interview on Thursday, March 1, 2018)

The first obstacles is some Reporter want their Reports to be resolved exactly in 14 day. But in fact the completion period is depending on the severity of the Report. Sometimes if past of 14 days they immediately protested. So the work of ombudsman's assistant in completing the report sometimes get affected.

The second obstacles faced is if the reporter has power or has a relationship with members of Republic of Indonesia Ombudsman. The Reporter who has high powers or connection with members of Republic

of Indonesia Ombudsman sometimes wants his Report to be resolved quickly. So that he uses the power to suppress the assistant Republic of Indonesia Ombudsman. With such pressure, the assistant handling will pass several stages.

The third obstacles is publishing to the public. In the handling of the Reports sometimes the Reporter is publishing the stages of report handling in the public. So that will make some opinion in the media that will affect the work of assistant Republic of Indonesia Ombudsman. Common Reporter who often do that are labour union or other unions.

c) Less known by lower level employee.

Less know by lower level employee from the reported party is one of external obstacles. According to Mrs. Vice Admira Firnaherera as Assistant of Team III also explained that:

"For example we're down the field, there is people who do not know Ombudsman when we asked directly for sure they will be answered, but when we ask for documents they do not directly give to us except ombudsman make application letter." (Interview on Tuesday, 1 January 2018)

The external obstacle faced by Assistant of Team III when do investigation in field is still many employees who do not know the authority of Republic of Indonesia Ombudsman. Usually employees who do not know the authority of Republic of Indonesia Ombudsman is an officer who has the lower position because, as write in the MOU of Republic of Indonesia Ombudsman and police, assistant of Republic

of Indonesia Ombudsman only communicate with the leaders or the upper employee. So when Ombudsman want to request documents they treat like the other party by requesting to submit a letter of application.

d) If caught with do close investigation.

When do investigation on its own initiative about alleged maladministration of Team III using closed investigative methods. Closed investigation is an investigation without give a notice to the reported party and hide identity as an assistant of Republic of Indonesia Ombudsman. So sometimes there are obstacles encountered when do closed investigation is the identity as an assistant of Republic of Indonesia Ombudsman can be revealed. This is in accordance with the explanation of Mr. Achmad Khoiruddin as coordinator of Team III that:

"The obstacle if caught. So the closed investigation must be an identity as the Ombudsman should be removed and must be hidden. If for example caught, he should be removed from the Team, so do not go on with a closed investigation. So before doing an investigation, we debriefings that do not reveal the identity of the possibility of getting caught. "(Interview on Thursday, March 1, 2018)

Before do a closed investigation, the ombudsman's assistant will have a briefing. Briefings are made as detailed as possible so that the investigation can be completed. But if the identity as an assistant of Republic of Indonesia Ombudsman revealed then he had kicked out from the team and could not continue the investigation.

e) Long of bureaucracy.

Long of bureaucracy is also the external obstacles which faced by ombudsman's assistant. When they want to ask for clarification to the reported party, the assistant of ombudsman must send a letter to *Irwasda* first. This is in accordance with the explanation of Mr. Achmad Khoiruddin as coordinator of Team III explained that:

"The problem is when completing the police report we sent a letter directly to the reported party for example in Polres, they answer to the *Irwasda* first then *Irwasda* to Ombudsman. It can be 2-3 months. So to make short we explore case together."
(Interview on Thursday, March 1, 2018)

Obstacles which faced from outside of Republic of Indonesia Ombudsman is when sending a letter directly to the Reported Party for clarification about the Police Report will spend 2 until 3 months for a reply letter to Republic of Indonesia Ombudsman because the investigator will send a reply letter to *Irwasda* then by *Irwasda* will be sent to Republic of Indonesia Ombudsman. So to reduce the time we held explore case together. If when explore case together with the investigator does not bring the requested documents, on that occasion in front of the *Irwasda*, Republic of Indonesia Ombudsman can make an appointment with the investigator so it does not take a long time.

f) Invite people to join with *Sahabat Ombudsman*.

In the stage of building the network of Republic of Indonesia Ombudsman has the obstacle to gathering people to join with *Sahabat*

Ombudsman. Sahabat Ombudsman are formed to help socialize the task of ombudsman to the whole society of east java. This is in accordance with the explanation of Mr. Achmad Khoiruddin as coordinator of Team III that:

"The obstacles are gathering the people. To reach the bottom layer of society is a bit difficult because public service is not only in the center but for all. If in the East Java region we also reach the islands and the community is not evenly distributed in human resources. "(Interview on Thursday, March 1, 2018)

The east java are is vast and also has several islands, it is difficult to conduct direct socialization by ombudsman's assistant. So the solution for that is to form the *Sahabat Ombudsman*. But to gathering people to join with *Sahabat Ombudsman* is not easy. Because the human resources in East Java are not evenly distributed. So to reach the lower layers of society is a bit difficult.

B. Discussion

- 1) Implementing of Supervisory Functions of *Ombudsman Republik Indonesia* In Handling Maladministration Within The Police.

According to Farazmand (2004, pp. 13-16) there are ten dimensions in sound governance, there are process, structure, cognition and values, constitution, organization and institution, management and performance, policy, sector, international or globalization forces and ethics, accountability, and transparency. Meanwhile in exercising the supervisory function, Republic of Indonesia Ombudsman have 7 roles that corresponding to 5 main dimensions of sound governance. Those 5 main dimensions are explained like follows:

1. Structure. Structure is a body of constitutive elements, actors, rules, regulations, procedures, decision-making frameworks, and authoritative sources that sanctions or legitimates the governance process. Structure defines and gives direction to the process. Republic of Indonesia Ombudsman also give direction to police public service process, which is police is actor of governance process. The goal of supervision by Republic of Indonesia Ombudsman is to make sure the police service have sound administration. If republic of Indonesia Ombudsman finds maladministration in the service, they can give suggestion to direct the police to do sound performance and help society to get their rights in use police service.
2. Cognition and values. The cognitive or value dimension represents the unique or deviant value system of the governance structure or process. Sound governance breeds healthy and dynamic values that underlie its structure and process dimensions. It's same with aim of supervisory function to make police service clear and transparent without maladministration.
3. Organization and institutions. Institution without sound governance are fragile and doomed to failure, as they cannot perform and do what they have been created to do. These are key measures of this dimension of sound governance: How well are the governance institutions organized? How well do organizations of governance system perform? and How well do the outcomes and results of organizational performance serve governance

constituencies, clients, and citizens?. Republic of Indonesia Ombudsman can give an answer for all those question. Republic of Indonesia Ombudsman give the answer with do prevention in police service and completing the report from society about police maladministration.

4. Management and performance. Without a sound management system characterized by efficiency and effectiveness, sound governance will suffer from incompetence, poor performance, waste and duplication, bureau-pathologies, and lack of legitimacy. To make sure police service did not incompetence, poor performance, waste and duplication, bureau-pathologies, and lack of legitimacy, they need an external supervisor. Ombudsman of Indonesia is one of external supervisor in Indonesia. With the 7 roles of republic of Indonesia Ombudsman, they can make police service did not have maladministration and have sound management.
5. Ethics, accountability, and transparency. This cardinal principle of sound governance checks against the potential abuses and corruptions of the system as well as against the blind principles of pure efficiency and economy in the management and administration processes. 7 roles of Republic of Indonesia Ombudsman is to make sure that police keep the work ethics, accountability, and transparency in give the service to the society. If police service go to wrong way, Republic of Indonesia bring them back.

According Act No. 37 year 2008 about Republic of Indonesia Ombudsman and the findings of the research, the ideal role and the finding can be compared like follows:

Table 4.5: Comparison the ideal roles and findings of Republic of Indonesia Ombudsman's role

No.	Republic of Indonesia Ombudsman's ideal roles	Findings
1	Receiving reports on alleged maladministration in the provision of public services.	Receiving report from reporter and checking the formal requirements.
2	Conduct a substantial examination of the report.	Checking substantial requirements and summited in plenary meeting in every Friday.
3	Follow up reports covered by the scope of the authority of the ombudsman.	Ask for clarification to reported party, do investigation according to type of maladministration, do mediation or conciliation, and make final result of examination report
4	Investigate on its own initiative against alleged maladministration in the provision of public services.	Do investigation in own initiative if needed.
5	Coordinate and cooperate with state agencies or other government agencies as well as community and private institutions.	Republic of Indonesia Ombudsman in Surabaya City didn't make MOU with police but just implementing the MOU.
6	Establish networking.	Built networking with police like joint education in case of intelligence, trained in <i>Satreskrim</i> , join with <i>SABERPUNGLI</i> team, invited in several activities to supervise with police, and also make <i>Sahabat Ombudsman</i> .
7	To prevent maladministration in the implementation of public services.	Conduct assessment on services in the police and become external supervisor when the admission of police and police who become civil service.

Source: processed by research.

According to Page and Wosket (2001, pp. 36-38) supervisory model have 5 stages, they are consist of Contract, Focus, Space, Bridge and Review. This supervisory model called the Cyclical Model. The first stage is contract.

Contract is an agreement signed by both parties that contains, endorses, provides structure and provides direction and purpose for the work performed. Establishing a contract is a good way to ensure that supervision gets off the ground as smoothly as possible.

In making this contract, Republic of Indonesia Ombudsman implemented it by requesting the reporter to fulfil the formal and material requirements. To fulfil the formal requirements, Reporter should submit a report of alleged maladministration to Republic of Indonesia Ombudsman which could be done in various ways such as by coming directly to Republic of Indonesia Ombudsman office or representative in east java at Jalan Ngangel Timur No. 56 Surabaya. Send a letter to Republic of Indonesia Ombudsman. Call the Republic of Indonesia Ombudsman at 031-99443737. Send an email to Republic of Indonesia Ombudsman at jatim@ombudsman.go.id. Send a fax mail in Republic of Indonesia Ombudsman at 031-35041537. Send message at whatsapp to Republic of Indonesia Ombudsman at 081515015000. And also can through social media such as in the website of Republic of Indonesia Ombudsman or other social media such as facebook in OmbudsmanRIJatim and Instagram in Ombudsman.jatim. Since Republic of Indonesia Ombudsman has a delegation system, the Reporter can report at the central office or in the representative.

After submitting an alleged maladministration report, the Report will be received by the Assistant of reception and verification report division. The reporter then requested to fulfil formal requirements such as the identity card,

the power of attorney if represented to another party, evidence of relationship with the represented party, the event chronology, the proof has reported the incident directly to the reported party or his supervisor but has not been properly resolved. And the events or decisions have been reported have not passed 2 years since the event occurred. But there are exceptions to the case of Ombudsman Quick Response, they can fulfil after that.

Then, the report will be checked for material requirements by the Assistant of reception and verification report division. Examination of material requirements intended to see the substance of the report included in the scope of Republic of Indonesia Ombudsman's authority. The matters examined on material requirement are the substance of the report is not being and has become the object of court examination, except the report concerning maladministration in the process of examination in court. Next, the report is not in the process of settlement by the reported party and according to ombudsman the process of completion is still within a reasonable time. Then, the substance reported in accordance with the scope of ombudsman's authority. The last is the substance reported is not being or has been acted upon by the ombudsman.

Reports that have been checked by assistant of reception and verification report division will be submitted to the plenary meeting once a week on Friday. At the plenary meeting, the report will be decided to be continued to the investigation process or rejected because it does not include authority of Republic of Indonesia Ombudsman. After the report which was decided to

proceed to the investigation process, both parties, reporter and Republic of Indonesia Ombudsman, have agreed with the contract. So the report can proceed into the investigation process or the next step.

In completing the report of alleged maladministration and prevention of maladministration required a cooperation and coordination between Republic of Indonesia Ombudsman and the police. Previously, a memorandum of agreement between Republic of Indonesia Ombudsman and the Police already made so both parties understood their own duties. The making of a memorandum of understanding is implementation of contracting between Republic of Indonesia Ombudsman and the Police.

Republic of Indonesia Ombudsman has many networks already built with the Police. Such as joint education in the case of intelligence, assistant of Republic of Indonesia Ombudsman is also trained in *SatReskrim*, Republic of Indonesia Ombudsman joined the *SABERPUNGLI* team and invited in several activities to watch and supervise with the police.

In addition to building a network with the Police, Republic of Indonesia Ombudsman also has a work program with the society. In 2017, Republic of Indonesia Ombudsman has a community participation program and the name is *Sahabat Ombudsman*. *Sahabat Ombudsman* spread throughout East Java. The task of *Sahabat Ombudsman* is to socialize ombudsman's duties to the society, as an informer if there is maladministration around them, and as a place to report to Republic of Indonesia Ombudsman.

The second stages is focus. The focus of the supervisory session is the subject or matter to be considered at the stage or stage of the supervisory process. Focussing normally starts with the supervisee presenting some aspect of their work for the supervisor to explorer together. In supervisory function by Republic of Indonesia Ombudsman, the focussing on following up on the report covered by the scope of ombudsman's authority is done by requesting clarification to the reported party. To ask for clarification to the reported party, Republic of Indonesia Ombudsman held a explore case together in *Polda* Surabaya by calling the investigator who became reported party and accompanied by *Irwasda*. And for other maladministration allegations such as deviation of procedures, inappropriate, improper use of authority, conflict of interest, not provide a service, incompetence, and follow-up actions taken by Republic of Indonesia Ombudsman is by field inspection.

When exploring case together, both sides of Republic of Indonesia Ombudsman and the Police require coordination and cooperation. Coordination by mutually give clarifying and cooperating by agreeing to clarify and share information. In completing the report of alleged maladministration, coordination and cooperation between Republic of Indonesia Ombudsman and the police is required to clarify data from the reporter with data owned by the reported party. Coordination is done by mutual give clarification and cooperation by willing to share information and documents. While in prevention, when incompatibility between rules and

reality are found by Republic of Indonesia Ombudsman, the findings will be coordinated with *Irwasda* for immediate correction.

Implementation of focus also implemented by Republic of Indonesia Ombudsman with did Investigation on their own initiative, it is done when assistant of Tim III in doubt with the data that has been got so that it takes a deeper investigation. By exploring more deeper there is possibility to find new data more to convincing maladministration allegations. And it is possible to find more than 1 alleged maladministration on 1 report.

Then the third stages is space. Space is where movement and insight can occur as a result of the exploratory work undertaken by the supervisor and supervisee. The third stage is illustrated by the analysis of findings. After requesting clarification, Assistant of Team III will analyze the findings when the explore case together and get off the field with *Perkap* no. 14 year 2012 and data from the reporter. Then Assistant of Team III will compare the clarification results with the existing rules and data from the Reporter which is a description of the Space.

Next, the fourth stage is bridge. The function of bridge in supervision is to provide a way back into the work which the supervisee is undertaking with the client. In this fourth stage is described by issuing final result of examination report. Report that have not maladministration then will be reported to the reporter with CC letter to the reported party. But if Ombudsman found maladministration, it will be reported to the reported party and requesting response.

And Republic of Indonesia Ombudsman can solve the report through conciliation and mediation. Report criteria that can be settled through mediation or conciliation are reports that constitute a dispute over the right to service, reports arising from the existence of the losses suffered by the reporter, and reports involving many parties affected by the report resolution policy.

The last stage of supervision is review. Building in review as an integral part of the supervision process ensures that both partners actively reflect upon and monitor the standard and quality of their own professional practice and their mutual endeavour. The maladministration prevention efforts undertaken by Republic of Indonesia Ombudsman are the implementation of the review. The method used in maladministration prevention is mystery shopping that is useful for assessing a service by posing as a service user. To determine the subject of prevention efforts, assistant of Republic of Indonesia Ombudsman is decisive based on a service often used by the society and which is often complained by the society. In the prevention effort, the end result issued is the prevention of maladministration advice.

In 2017, Republic of Indonesia Ombudsman has conducted several investigations, the first is carry out an assessment of the compliance of service delivery to public service standards in accordance with the public service law. In east Java there are 6 districts surveyed cities that are Kediri, Tulungagung, Blitar, Lumajang, Bojonegoro, and Malang. For the police assessed are in driver's license and certificate of police records making place.

The second program that has been done by Republic of Indonesia Ombudsman is to see the 24-hour service by the police in Surabaya. The things assessed are service and service standards. The third program is Republic of Indonesia Ombudsman becomes the external supervisor at admission of Police and Police who become civil service. At the admission of Police and Police who become civil service, there are several teams such as Police internal supervisor are *Irwasda* and *Propam*, and external supervisor are ombudsman, academic from university, and related offices

- 2) Obstacles faced by Republic of Indonesia Ombudsman in carrying out the supervisory role.
 - a. Obstacles from external of Republic of Indonesia Ombudsman.
 1. Lack of number human resources.

In the Republic of Indonesia Ombudsman office in Surabaya, there are 12 assistant which did supervisory function. Those 12 assistant divided into 3 division. With just 12 assistant, every assistant have to join in 2 division. Reception and verification division and in team III have 4 assistants, consist of 1 coordinator and 3 assistant. Meanwhile in prevention division, they have 1 coordinator and 2 assistant.

As a result, when team III are to do investigation on field. Sometimes, their personnel cannot attend at that time because they have another job in other division. Besides that, with just 12 assistant, it's also difficult to touch down all areas in East Java for do socialization. So,

Sahabat Ombudsman was formed which is expected to become a forum for the society to report maladministration and also to socialize Republic of Indonesia Ombudsman to all areas in East Java.

2. Ombudsman's assistant required to be more through.

Another internal obstacle faced by assistant of reception and verification report division is the assistants required to be more thorough. Sometimes when giving evidence, there is a reporter who hides the evidence for several reasons. And also when doing conduct a substantial examination of the report, the Reports is look like the authority of Republic of Indonesia Ombudsman but after being traced deeper is not the authority.

b. Obstacles from external of Republic of Indonesia Ombudsman.

1) Meet with difficult reporter.

The external obstacle faced when receiving reports of alleged maladministration is dealing with a difficult reporter. At the step of receipt of the report and examination of the substance of the report is the first stage, so that many reporters who cannot wait and want quick to be investigated. However, they still have to serve because it is in accordance with their commitment to serve without discrimination.

2) Intervention.

The second external obstacle faced by ombudsman's assistant is intervention related to the handling of Reports. The intervention can be divided into 3. The first obstacles is some Reporter want their Reports to be resolved exactly in 14 day. But in fact the completion period is depending on the severity of the Report. If past of 14 days they immediately protested. So the work of ombudsman's assistant in completing the report sometimes get affected.

The second obstacles faced is if the reporter has power or has a relationship with members of Republic of Indonesia Ombudsman. The Reporter who has high powers or connection with members of Republic of Indonesia Ombudsman sometimes wants his Report to be resolved quickly. So that he uses the power to suppress the assistant Republic of Indonesia Ombudsman. With such pressure, the assistant handling will pass several stages.

The last obstacles is publishing to the public. In the handling of the Reports sometimes the Reporter is publishing the stages of report handling in the public. So that will make some opinion in the media that will affect the work of assistant Republic of Indonesia Ombudsman. Common Reporter who often do that are labour union or other unions.

3) Less known by lower level employee.

The external obstacle faced by Assistant of Team III when do investigation in field is still many employees who do not know the authority of Republic of Indonesia Ombudsman. Usually employees who do not know the authority of Republic of Indonesia Ombudsman is an officer who has the lower position. So when Ombudsman want to request documents they treat like the other party by requesting to submit a letter of application.

4) If caught with do close investigation.

When do investigation on its own initiative about alleged maladministration of Team III using closed investigative methods. Sometimes there are obstacles encountered when do closed investigation is the identity as an assistant of Republic of Indonesia Ombudsman can be revealed. If the identity as an assistant of Republic of Indonesia Ombudsman revealed then he had kicked out from the team and could not continue the investigation.

5) Long of bureaucracy.

Obstacles which faced from outside of Republic of Indonesia Ombudsman is when sending a letter directly to the Reported Party for clarification about the Police Report will spend 2 until 3 months for a reply letter to Republic of Indonesia Ombudsman because Republic of

Indonesia Ombudsman must send letter to *Irwasda* then from Irwada to the investigator and go back like that again. So to reduce the time they held explore case together. If when explore case together with the investigator does not bring the requested documents, on that occasion in front of the *Irwasda*, Republic of Indonesia Ombudsman can make an appointment with the investigator then the assistant of Republic of Indonesia Ombudsman can directly meet with reported party.

6) Invite people to join with *Sahabat Ombudsman*.

In the stage of building the network of Republic of Indonesia Ombudsman has the obstacle to gathering people to join with *Sahabat Ombudsman*. The east java area is large and also has several islands, it is difficult to conduct direct socialization by ombudsman's assistant itself. So the solution for that is to form the *Sahabat Ombudsman*. But to gathering people to join with *Sahabat Ombudsman* is not easy. Because the human resources in East Java are not evenly distributed.

CHAPTER V

CONCLUSION AND SUGGESTION

A. Conclusion

Republic of Indonesia Ombudsman is a State Institution which have a job as external supervisor in the public service. Republic of Indonesia Ombudsman serves to supervise public services organized by state and government agencies both at central and regional levels. Including those held by State-Owned Enterprises, Regional Government Enterprises, and State-Owned Legal Entities as well as Private assigned to held certain public services. In performing his duties as supervisor, his duties and authorities have been written in Act no. 37 year 2008 about Republic of Indonesia Ombudsman.

This research found in the role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman in Surabaya City is divided into 2 that are completing reports from society and preventing of maladministration. In completing the Report from society the roles of Republic of Indonesia Ombudsman are receiving reports on alleged maladministration in the provision of public services, conduct a substantial examination of the report, follow up reports covered by the scope of ombudsman's authority, investigate on its own initiative against alleged maladministration in the provision of public service, coordinate and cooperate with state agencies or other government agencies as well as community and private institutions, and establish networking. Meanwhile in preventing, Republic of Indonesia Ombudsman do closed investigation to assess public service in the police in order to prevent maladministration.

In carrying out these duties, Republic of Indonesia Ombudsman has several obstacles. The obstacles are grouped into internal and external obstacles. From internal obstacles are Lack of number human resource and Ombudsman's assistant required to be more through. Meanwhile, from external obstacles are Meet with difficult reporter, Intervention, Less known by lower level employee, If caught with do close investigation, Long of bureaucracy, Invite people to join with *Sahabat Ombudsman*.

In carry out these 7 roles, Republic of Indonesia Ombudsman corresponds to the five main dimensions of sound governance. Those 5 main dimensions are structure, cognition and values, organization and institution, management and performance, and also ethics, accountability, and transparency. Then in the steps of supervisory function corresponds with cyclical model. The cyclical model have 5 steps there are contract, focus, space, bridge, and review.

B. Suggestion

Based on the results of research and discussion in this study, the researcher gives suggestions that can be expected to provide benefit value for do the role of supervisory function in handling police maladministration within Republic of Indonesia Ombudsman. The suggestion is improve individual effectiveness by changing the Ombudsman assistant's point of view with emphasis on the work and the final result. And also improve the efficiency of group with improve cooperation among the members and contribute to the group. Although with a few human resources but with effectiveness can produce good results.

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ACT

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Act no. 2 year 2002 article 4 about Indonesian Nation Police

Act no. 37 year 2008 about *Ombudsman Republik Indonesia*



APPENDICES



Figure 4.3: Office of Republic of Indonesia Ombudsman



Figure 4.6: consultation and report receipt at Car Free Day in Surabaya City



Figure 4.6: Expose case together



Figure 4.7: Meeting with Lumajang Police



Figure 4.8: Make MOU with Education Institution



Figure 4.9: socialisation with fisher community



Figure 4.10: Socialisation with woman community



Figure 4.11: investigating in the making of driver license



Figure 4.12: investigation of police note certificate in Kdiri



Figure 4.13: Become external supervisor in admission of police



**OMBUDSMAN REPUBLIK INDONESIA
PERWAKILAN JAWA TIMUR**

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Perihal : Jawaban Permohonan Ijin Penelitian.

Kepada
Yth. Ketua Prodi Ilmu Administrasi Publik Universitas
Brawijaya Malang

Dengan hormat,
Berkenaan dengan surat nomor : 18721/UN10.F03.11.11/PN/2017 tertanggal 18 Desember
2017 perihal Permohonan Ijin Penelitian atas nama :

Nama : Aghnia Nur Azizah
Nim : 145030107111017
Fakultas : Ilmu Administrasi
Alamat : JL. Bali No. 100 Madiun
Judul : Supervisory Function of Ombudsman Republik Indonesia In Handling
Maladmistration On Public Service within Indonesia Nation Police (Case Study in Ombudsman Republik Indonesia Representative In East Java)

Kami tidak keberatan dan menerima permohonan ijin penelitian Mahasiswa Fakultas Ilmu Administrasi Universitas Brawijaya Malang di Kantor Ombudsman Perwakilan Jawa Timur melalui Sdr. Dr. Nuriyanto, SH, MH dan Sdri. Vice Admira Firnaherera.

Demikian pemberitahuan ini, atas perhatian dan kerjasamanya kami sampaikan terima kasih.

Surabaya, 09 Februari 2018

Hormat kami,
Ombudsman Republik Indonesia
Perwakilan Provinsi Jawa Timur



Murtihul Hadi, SH, MH
Plh. Kepala Perwakilan